

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7401 of 2020

Arising Out of PS. Case No.-55 Year-2017 Thana- MORO District- Darbhanga

Sunil Kumar Deo, S/o Nawal Deo, Resident of Village- Kalaunjar, P.S.-
Chakmehsi, Distt- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pankaj Kumar Das, APP

For the Opposite Party/s : Mr.Dr. Kumar Uday Pratap, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 28-02-2020 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner in this case is seeking anticipatory bail in connection with Moro P.S. Case No.55 of 2017, G.O. Case No.1550 of 2017 registered for the offences punishable under Sections 413 and 414 of the Indian Penal Code and Sections 30(a)/37(c) of the Bihar Prohibition and Excise Act, 2016.

Learned counsel for the petitioner submits that the First Information Report has been lodged on the self-statement by S.H.O. of Moro police station who alleged that while checking the vehicle on Swaroopa Chowk when he stopped one young man he was found in drunken stage. The said person disclosed his name as Nikhil Kumar @ Tullu Mishra and from his possession one motorcycle and one mobile phone were



recovered. He disclosed that he was bringing the wine from near village at high price and also consumed the same. On the said basis when other accused Ajit Kumar, Prince Kumar and Chaman Kumar Thakur were arrested then one of them Prince Kumar disclosed that he was receiving the supply of liquor from this petitioner.

Learned counsel submits that save and except that statement of the co-accused Prince Kumar there is no material against the petitioner and the petitioner's name has been brought in this case on mere suspicion even though he has no criminal antecedent.

Learned APP for the State has opposed the prayer for anticipatory bail of the petitioner and submits that since the name of the petitioner has transpired in the confessional statement of the co-accused recorded before the police, hence, the petitioner does not deserve privilege of anticipatory bail.

Considering the facts and circumstances of the case wherein there is no direct direct material against this petitioner and it is alleged that his name was taken by the co-accused in his confessional statement before the police, the petitioner having no criminal antecedent, let the petitioner in the event of his arrest or surrender within a period of four weeks from today,



be enlarged on bail on furnishing of bail bonds of Rs. 15,000/- (fifteen thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-II-cum-Special Judge (Excise Act), Darbhanga in connection with Moro P.S. Case No.55 of 2017, G.O. Case No.1550 of 2017, subject to the condition as laid down under Section 438 (2) of the Cr.P.C. i.e.

(i) a condition that the person shall make himself available for interrogation by a police officer as and when required;

(ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

(iii) a condition that the person shall not leave India without the previous permission of the Court.

(Rajeev Ranjan Prasad, J)

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