

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7515 of 2020

Arising Out of PS. Case No.-482 Year-2019 Thana- MOTIPUR District- Muzaffarpur

1. LAKHINDRA BHAGAT @ LAKHINDRA KUMAR Son of Kishun Bhagat Resident of Village - Kharika, P.S. - Minapur (O.P. - Paharpur), District - Muzaffarpur.
2. Sajan Bhagat @ Bhola Kumar S/o Sanelal Bhagat Resident of Village - Bathana, P.S. - Motipur, District - Muzaffarpur.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Neeraj Kumar Alias Sanidh, Advocate
For the Opposite Party/s : Mr.Mritunjay Kumar Nirala, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 03-03-2020 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners in this case are seeking anticipatory bail in connection with Motipur P.S. Case No. 482 of 2019 registered for the offence under Sections 413, 414 of the Indian Penal Code and Sections 30(a)/38(1)/41(1) of Bihar Prohibition & Excise Act.

Learned counsel for the petitioners submitted that the petitioners have falsely been implicated in this case. It is submitted that the informant has stated in his self statement which is the basis of the FIR that two unknown managed to escape taking advantage of darkness and further also disclosed about the identification of the petitioners. It is submitted that the



petitioners have been made accused only on the basis of suspicion and they have no concern with the vehicle from which the illicit liquor is said to have been recovered and the petitioners have no criminal antecedent.

Learned APP has opposed the prayer of anticipatory bail of the petitioners.

Considering the facts and circumstances of the case wherein it is the submission of learned counsel for the petitioners that on the one hand the S.I. of Police who has lodged the first information report on his self statement and at this stage no identification has been done but later on the informant claims that the two seizure list witnesses have put their signature on the seizure list and they identified the petitioners which are in the nature of self contradictory statement and further submission that the whole case is based on suspicion, these petitioners have nothing to do with the vehicle from which the illicit liquors have been recovered and they have no criminal antecedent, let the petitioners above named in case of their arrest or surrender within a period of four weeks from today in connection with Motipur P.S. Case No. 482 of 2019 be released on bail on furnishing of bail bonds of Rs.15,000/- (fifteen thousand) each with two sureties of the like amount to



the satisfaction of learned Special judge, Excise Act at Muzaffarpur, subject to the conditions 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 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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