

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.9606 of 2020**

Arising Out of PS. Case No.-566 Year-2019 Thana- SAHEBGANJ District- Muzaffarpur

RAMSWARATH KUNWAR @ RAMSOGARATH KUNWAR @ RAM
SWARATH KUNWAR S/o Late Rampravesh Kunwar R/o village- Dhanaiya,
P.S.- Sahebganj, District- Muzaffarpur

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Mukesh Kumar,Advocate

For the Opposite Party/s : Mr.Manoj Kumar,APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 10-06-2020

This application has been placed for consideration by
the order of the Hon'ble the Chief Justice through virtual court
proceeding.

Heard learned counsel for the petitioner and learned APP
for the State.

The petitioner in the present case is seeking anticipatory
bail in connection with Sahebganj P.S. Case No. 566 of 2019
registered for the offences punishable under Section 272, 273 of IPC
and 30(a) of Bihar Prohibition and Excise Act, 2016.

The First Information Report has been lodged on the self
statement of the S.I. of Police who went to the Line Hotel of the
petitioner on secret information that the petitioner and his sons were
selling illicit liquor in his hotel. The informant alleged that when he
raided the Line Hotel of the petitioner, no incriminating material or
objectionable article was recovered but when the informant searched



the hut situated behind the hotel, he recovered 166.650 litres of illicit liquor which was seized in presence of the witnesses.

Learned counsel for the petitioner has been contacted over telephone. It is his stand that the petitioner who is 70 years old has been falsely implicated in this case because one police staff of Sahebganj Police Station has got personal annoyance and grudge against the petitioner's family as the sister of the said police staff is the neighbour of the petitioner with whom the petitioner is not maintaining good term. It is submitted that the petitioner has no relation with the alleged recovery of the illicit liquor as the hut has no connection with the petitioner.

Learned APP for the State has opposed the prayer for anticipatory bail of the petitioner, however considering the facts and circumstances of the case wherein in the First Information Report itself it is stated that no incriminating material or objectionable article could be found in the Line Hotel of the petitioner and the alleged recovery has been shown from a hut behind the hotel and the petitioner denies any connection with the said hut, there being no prima-facie material at this stage to connect the petitioner with the alleged recovery, let the petitioner above named in the event of his arrest or surrender within a period of four weeks from today in connection with Sahebganj P.S. Case No. 566 of 2019 be released on bail on furnishing of bail bonds of Rs. 25,000/- (Twenty Five thousand) each with two sureties of the like amount each to the



satisfaction of learned Spl. Judge Excise, 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 or to any police officer;

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

This application stands allowed.

(Rajeev Ranjan Prasad, J)

SUSHMA2/Arvind

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

