

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.9698 of 2020**

Arising Out of PS. Case No.-54 Year-2019 Thana- MOTIPUR District- Muzaffarpur

ABHAY RAI @ ABHAY KUMAR RAI S/o Ramishwar Rai @ Rameshwar Ray Resident of Village- Ward No.11, Harjee, P.S.- Motipur, Distt-Muzaffarpur, But Wrongly mention in F.I.R.- Harjidihi, P.S.- Motipur, Distt-Muzaffarpur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Sunil Kumar Pandey,Advocate

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

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

2 11-06-2020 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 Motipur P.S. Case No. 54 of 2019 registered for the offences punishable under Sections 420/120(B), 345 of the Indian Penal Code and Section 30(a), 38(1), 41(1) of Bihar Prohibition & Excise Act.

Learned counsel for the petitioner submits that the petitioner has no concern with the truck from which the illicit liquor is said to have been recovered and the petitioner has been



implicated in the present case only on the allegation that the petitioner fled away on seeing the police party and except the same there is no material to connect him with the present case and he has no criminal antecedent.

Learned APP for the State has opposed the prayer for anticipatory bail of the petitioner.

Considering the facts and circumstances of the case wherein, it is alleged that this petitioner among the co-accused were seen standing near the truck in which illicit liquors were loaded and on seeing the police party, the petitioner fled away with motorcycle, the persons apprehended by the police disclosed the name of one Rahira Bhai of U.P. who had booked the liquor in the name of Suresh Rai Motipur, Jila Muzaffarpur, there being no material to connect the petitioner with the present case and it is one of the submissions that the petitioner has no concern with the said illicit liquor as also that he has no concern with the truck and he is a man of clean antecedent, let the petitioner above named in the event of his arrest or surrender within a period of four weeks from today in connection with Motipur P.S. Case No. 54 of 2019 be released on bail on furnishing of bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of



learned Special 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'.

