

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.16397 of 2020**

Arising Out of PS. Case No.-164 Year-2019 Thana- AWTARNAGAR District- Saran

GUDDU RAI Son of Hareram Rai Resident of Village - Santha, P.S.-
Awatarnagar, District- Saran at Chapra

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Krishna Kumar Yadav, Advocate

For the Opposite Party/s : Mr.Rajendra Prasad Nat, APP

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

2 12-06-2020 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 Awtarnagar P.S. Case No. 164 of 2019
registered for the offence punishable under Sections 188, 272, 273,
308/34 of the Indian Penal Code and Sections 30/30(A)/38 of the
Bihar Prohibition & Excise Act.

Learned counsel for the petitioner submits that the
alleged recovery of illicit liquor has been made from a bush near
the railway line and one of the seizure list witness Umesh Rai
has got involved the petitioner with whom the petitioner has
land dispute. It is further submitted that the petitioner has no
concern with the Splendor motorcycle 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 the name of this petitioner has transpired in the statement of apprehended accused, the illicit liquor has been recovered from a bush near a railway line and one of the submissions of learned counsel for the petitioner is that the seizure list witness Umesh Rai has got involved this petitioner in this case because he has got a land dispute with the petitioner and further submission that the petitioner has got no criminal antecedent, he has no concern with the Splendor motorcycle which was without any registration number seized by Police and on query made by this Court learned counsel submits that he has specific instruction to say that the motorcycle does not belong to him as also that he has no criminal 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 Awtarnagar P.S. Case No. 164 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 Additional District & Sessions Judge – II – cum Special Judge Excise, Saran at Chapra, 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)

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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'.

