

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.9660 of 2020**

Arising Out of PS. Case No.-124 Year-2019 Thana- BITHAN BAZAR District- Samastipur

SUNIL KUMAR YADAV @ SUNIL YADAV @ SUNIL KUMAR SUMAN
Son of Late Upendra Yadav Resident of Village - Sohama, P.S.- Bithan,
District - Samastipur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Sarbottam Kumar Sarkakar, Advocate
Mr. Bhubneshwar Prasad, Advocate
For the Opposite Party/s : Mr. Gauri Shankar Gupta, 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 Bithan P.S. Case No. 124 of 2019
registered for the offence punishable under Sections 30(a)/30(f) of
Bihar Prohibition & Excise Act.

Learned counsel for the petitioner submits that the
alleged recovery of illicit liquor has been made from a hut
which is situated at a distance of ½ kilometer from his house
and the said hut is surrounded by open field where no person
used to live. It is further submitted that except suspicion there is



is no *prima facie* material to connect the petitioner in the present case.

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 though alleged against the petitioner that the illicit liquor has been recovered from a hut belonging to the petitioner but it is the specific statement of the petitioner in paragraph '9' that the wine has been recovered from a hut which does not belong to the petitioner and the said hut is situated at a distance of ½ kilometer from the house of the petitioner and the same is surrounded by an open field and no person used to live there, let the petitioner above named in the event of his arrest or surrender within a period of four weeks from today in connection with Bithan P.S. Case No. 124 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 2nd Additional Sessions Judge-cum-Special Judge, Excise, Samastipur, 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'.

