

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.9791 of 2020**

Arising Out of PS. Case No.-67 Year-2019 Thana- HATHAURI District- Muzaffarpur

Santosh Sharma @ Santosh Thakur Son of Ramsevak Thakur Resident of
Village-Barhetta, P.S.-Hathauri, District-Muzaffarpur

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Ravi Ranjan, Advocate

For the Opposite Party/s : Mr.Anish Chandra, 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 Hathauri P.S. Case No. 67 of 2019
registered for the offence punishable under Sections 272, 273,
120B of the Indian Penal Code and Sections 30(a), 38(i) (ii) of
Bihar Prohibition & Excise Act.

Learned counsel for the petitioner submits that the
alleged recovery of illicit liquor is said to have been made from
a truck which does not belong to the petitioner and there is no
material to show that the petitioner is involved in receiving the



said liquor. It is submitted that the seizure list witnesses are the members of raiding party and merely on suspicion the petitioner has been implicated in this 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 the alleged that this petitioner was also one of the members who had started fleeing away on seeing the police party and thereafter Police seized the illicit liquor from the truck in question but there being no specific allegation that either the truck belongs to the petitioner or that the petitioner was involved in receiving the said liquor and further submission of the petitioner that on mere suspicion an allegation of fleeing away on seeing the police party he has been made accused in this case as also that the seizure list witnesses are the members of the raiding party, let the petitioner above named in the event of his arrest or surrender within a period of four weeks from today in connection with Hathauri P.S. Case No. 67 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 Special Judge, Excise Act, 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)

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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'.

