

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12193 of 2020

Arising Out of PS. Case No.-142 Year-2019 Thana- SIWAIPATTI District- Muzaffarpur

Subodh Kumar Son of Akindra Prasad, Resident of Village - Sodhana
Madhopur Kodariya, P.S.- Siwaipatti, District - Muzaffarpur.

... .. Petitioner/s

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Hari Kishore Thakur
For the Opposite Party/s : Pushpa Sinha.1

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

4 10-12-2020 Heard Mr. Hari Kishore Thakur, learned counsel for
the petitioner and Pushpa Sinha-1, learned counsel for the State
through Video Conferencing.

In this case, the petitioner is seeking anticipatory bail
in connection with Siwaipatti P.S. Case No.142 of 2019
registered for offence punishable under sections 272, 273, 420
and 120 (B) of the Indian Penal Code and sections 30 (a) and 33
of the Bihar Prohibition and Excise (Amendment) Act, 2018.

Allegation has been made that the police, on secret
informant, raided a village and from the orchard of lichi and
agriculture land huge quantity of illegal liquor has been
recovered. The name of three persons i.e. Pintu Kumar, Nandlal
Baitha and Subodh Kumar (petitioner) have been surfaced
during investigation and it has transpired that last night they



have brought the huge quantity of liquor on the eve of Durga Puja for supplying the same.

Learned counsel for the petitioner submits that Nandlal Baitha has been granted anticipatory bail in Cr. Misc. No. 87279 of 2019 on 18.09.2020 and the case of the petitioner is identical to the case of Nandlal Baitha, but in that case, the Court has asked to deposit Rs. 5,000/- in the Juvenile Justice Fund of the State Social Welfare Department.

Looking to the entirety of the matter, this Court is inclined to grant anticipatory bail to the above named petitioner, subject to condition that he will deposit Rs. 25,000/- as a cost in the Patna High Court Legal Services Committee within two weeks and on deposit of the said amount, he in the event of arrest or surrender before the court below within a period of six weeks from today, is directed to be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise Act, Muzaffarpur in connection with Siwaipatti P.S. Case No. 142 of 2019, subject to conditions as laid down under section 438 (2) Cr.P.C. Further condition is that one of the bailors of the petitioner shall be his close relative. The petitioner will not induce any witness or tamper with the evidence. The



petitioner shall cooperate in the disposal of trial and make himself available as and when required by the court. If the petitioner is found involved in future in the similar type of offence, the prosecution will be at liberty to make prayer for cancellation of his bail and the court below will pass necessary order, including cancellation of bail of the petitioner. It is made clear that if the petitioner would not deposit the said money by the aforesaid period, the bail granted to the petitioner will be treated to have been withdrawn.

(Shivaji Pandey, J)

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