

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.16474 of 2020**

Arising Out of PS. Case No.-55 Year-2020 Thana- RAMKRISHNANAGAR District- Patna

1. RAM NARAYAN SINGH S/o Late Rajendra Prasad Singh Resident of Village-Gawai, P.S.-Sheikhpura, District-Sheikhpura at present resident of mohalla-Raghunathpur, Jakariyapur, P.S-Ram Krishna Nagar, District-Patna.
2. Lalit Vijay @ Lalit Vijay Singh Son of Ram Narayan Singh Resident of Village-Gawai, P.S.-Sheikhpura, District-Sheikhpura at present resident of 200/16, Shivaji Nagar, P.S.- Shivaji Nagar, Sector-2, Gurgaon, Haryana.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Rajeev Ranjan, Advocate
For the Opposite Party/s : Mr.Bhanu Pratap Singh, APP

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

2 12-06-2020 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioner in the present case is seeking anticipatory bail in connection with Ram Krishna Nagar P.S. Case No. 55 of 2020 registered for the offence punishable under Section 30(a) of Bihar Prohibition & Excise Act.

It is contention of learned counsel for the petitioners that the petitioner no. 1 has retired as Incharge Headmaster from Government High School, Mallepur in the month of April, 2020 and the petitioner no. 2 is an Engineer posted at L.N. Malviya Private Limited as Bridge Engineer at Gurgaon, Haryana. It is submitted that from the first information report itself it will



appear that when police party raided the godown one Md. Hasim Khan was apprehended, he disclosed that he was running the business of wine with godown owner Vikram Singh for last 3-4 months.

Learned counsel has further submitted that Police has involved these petitioners only because they owned the property i.e. the godown which were admittedly rented out to Vikram Singh. In the FIR itself it would appear that an inference has been drawn by the informant who is the S.I. of Police that these petitioners have given the godown on rent with intention to have a wrongful gain.

Learned counsel has also referred Annexure '2' which is the rent agreement and he submits that considering that these petitioners have been made accused only by drawing an adverse inference even though Police has himself stated in the FIR that the godown was provided on rent and in the confessional statement of co-accused who was apprehended nothing wrong has been stated against these petitioners.

Learned APP for the State has opposed the prayer for anticipatory bail of the petitioner. It is submitted that huge quantity of illicit liquors have been seized from the godown.

Considering the facts and circumstances of the case,



the admitted case as appearing from the first information report itself that these petitioners are though owner of the property i.e. the godown but the said godown was provided on rent to the co-accused, the apprehended accused has not made any wrong statement against these petitioners and the first information report gives a *prima facie* impression that the informant while drawing the FIR has involved these petitioners by alleging that they had rented out the godown for some wrongful gain, there being an inference alone, no other material to connect these petitioners with the business and further the status of these petitioners, one being a retired government school headmaster and another being an engineer working at Gurgaon having no criminal antecedent, this Court is inclined to grant privilege of anticipatory bail to them, let the petitioners above named in the event of their arrest or surrender within a period of four weeks from today in connection with Ram Krishna Nagar P.S. Case No. 55 of 2020 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 Sessions Judge IV-cum-Special Judge, Excise, Patna, 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'.

