

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.16422 of 2020**

Arising Out of PS. Case No.-128 Year-2020 Thana- GOVERNMENT OFFICIAL COMP.
District- Aurangabad

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SITARANJAN SAO S/o Ramchandra Saw R/o village- New Madhukam
Mahuwa, P.S.- Sukhdeo Nagar, District- Ranchi (Jharkhand)

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Leelawati Kumari,Advocate

For the Opposite Party/s : Mr.Sanjay Kumar Tiwary,APP

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

4 23-09-2020 Heard learned counsel for the petitioner and Mr.
Sanjay Kumar Tiwary, learned APP for the State.

The petitioner in the present case is seeking pre-arrest
bail in connection with Excise Case No. 128 of 2020 registered
for the offences punishable under Sections 30(a) of Bihar
Prohibition and Excise Act, 2016.

Learned counsel for the petitioner submits that the
petitioner is though the owner of the vehicle in question but
when the illicit liquor was found on the said vehicle it was under
control of the driver and it is not the prosecution case that this
petitioner was present on the vehicle or had fled away on seeing
the prosecution party. It is, thus, the case of the petitioner that
the driver being in control of the vehicle seems to have gone
beyond his authority and both the persons who were there in the



vehicle were arrested.

Learned APP for the State has though opposed the prayer for anticipatory bail of the petitioner, this Court having noticed the prosecution report which has been received and on finding that the petitioner though is the owner of the vehicle but there is no allegation that he was present in the vehicle or had fled away on seeing the police party, in the present circumstance there being no prima-facie material to show his consent in the commission of the alleged offence and no material to that effect having been brought to the notice of this Court, as also the petitioner has otherwise no criminal antecedent, let the petitioner in the event of his arrest or surrender within four weeks from today, be released on bail on furnishing of bail bond of Rs. 25,000/- (Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Additional Session Judge-VII-cum-Special Judge (Excise), Aurangabad, Bihar in connection with Excise Case No. 128 of 2020, 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 is 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'.

