

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.16574 of 2020**

Arising Out of PS. Case No.-664 Year-2019 Thana- SARAIYA District- Muzaffarpur

PRAKASH BHAGAT S/o Ram Ekwel Bhagat Resident of Village- Chako
Chapra, P.S.- Saraiya (O.P. Jaitpur), Distt- Muzaffarpur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Nachiketa Jha,Advocate

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

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

2 12-06-2020

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 Saraiya (O.P. Jaipur) P.S.
Case No. 664 of 2019 registered for the offences punishable
under Section 272, 273 of the Indian Penal Code and Section
30(a) of Bihar Prohibition & Excise Act 2016.

Learned counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in the
present case. It is submitted that the illicit liquor has been
recovered from the paddy field which does not belong to the
petitioner and he has no criminal antecedent.

Learned APP for the State has opposed the prayer for
anticipatory bail of the petitioner.



Considering the facts and circumstances of the case wherein, this Court has noticed that as per the First Information Report the S.I. of the police who is the informant of this case received information in the night hours that in a paddy field this petitioner is selling illicit liquor but when police party reached there one person started fleeing away and police seized the illicit liquors from the paddy field, submission being that petitioner has not been identified by any of the co-villagers and according to the FIR the name of the petitioner has been brought on secret information, the paddy field does not belong to the petitioner and the petitioner has no criminal antecedent, there being no prima-facie material at this stage, let the petitioner above named in the event of his arrest or surrender within a period of four weeks from today in connection with Saraiya (O.P. Jaipur) P.S. Case No. 664 be released on bail on furnishing of bail bonds of Rs. 25,000/- (twenty five thousand) 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)

SUSHMA2/Arvind

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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'.

