

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20410 of 2020

Arising Out of PS. Case No.-140 Year-2019 Thana- SIWAIPATTI District- Muzaffarpur

Ram Lochan Prasad, Son of Jagdeo Prasad, Resident of Village - Godhana,
P.S.- Siwaipatti, District - Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Uma Shankar Pd. Singh, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 24-06-2020 Since as of now the Courts have not resumed normal physical hearing, the matter has been listed today for consideration through video conferencing.

The learned counsels are appearing and making submissions from their residence. The Court Master and Secretary are also part of this virtual Court proceedings from their homes, all with the aid of audio visual technology.

Heard learned counsel for the petitioner and the learned APP for the State.

The petitioner seeks bail in connection with Siwaipatti P.S. Case No.140 of 2019 instituted for the offence punishable under Sections 272, 273, 420, 120B of the Indian Penal Code and Sections 30(a)(c)(d), 36, 38, 41, 41(1) of the Bihar Prohibition and Excise Act, 2016.



The case of the prosecution is that acting on a secret information that one Pintu Kumar was indulging in the trade of liquor, the police proceeded towards his house. The said Pintu Kumar is said to have been seen fleeing away from the house where from 1305 litres of spirit has been recovered. Some liquor has also been recovered from the motorcycle parked there.

Petitioner's counsel submits that in the F.I.R., there is not even a whisper against the petitioner. The petitioner has been implicated merely because he happens to be the father of Pintu Kumar though they are separate in mess and business. It is further submitted that the petitioner's implication is based on the statement of witnesses recorded subsequently. Admittedly, there is no recovery from the petitioner. The accused Pintu Kumar, who was seen fleeing away from the place of recovery, has been allowed bail in Cr.Misc. No.83455 of 2019. The petitioner has no criminal antecedents and he is in custody since 19.03.2020.

Learned APP for the State has opposed the prayer for bail.

Considering the rival submissions, this Court is inclined to allow petitioner's prayer for bail.

Accordingly, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the



satisfaction of the learned Special Judge, Excise Act, Muzaffarpur, in connection with Siwaipatti P.S. Case No.140 of 2019, subject to the following conditions:

- (i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the court if there is any change in the address of the petitioner.
- (ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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