

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.26017 of 2020**

Arising Out of PS. Case No.-319 Year-2019 Thana- BANIAPUR District- Saran

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GUDDU SINGH @ GUDDU KUMAR SINGH S/o Late Nagendra Singh R/o
Village- Nagdiha, P.S.- Baniyapur, District- Saran.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Manish Chandra Gandhi, Advocate
For the Opposite Party/s : Mr.Rana Randhir Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 16-10-2020 Heard learned counsel for the petitioner and Mr. Rana
Randhir Singh, learned APP for the State.

The petitioner in the present case is seeking pre-arrest
bail in connection with Baniyapur @ Baniapur P.S. Case No.
319 of 2018 registered for the offences punishable under
Sections 414 of the Indian Penal Code and Section 30(A) of the
Bihar Prohibition and Excise Act, 2016.

Learned counsel for the petitioner submits that the
name of the petitioner has been brought in this case on mere
suspicion as the petitioner is neither concern with the liquor in
question nor he has any concern with the vehicle from which the
liquors were being unloaded. It is further submitted that
considering this aspect of the matter, some of the co-accused



have been granted privilege of anticipatory bail in Cr. Misc. No. 78759/2019, Cr. Misc. No. 2252/2020 and Cr. Misc. No. 94/2020, copies of orders granting privilege of anticipatory bail are enclosed as Annexure '2' series.

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

Having regard to the facts and circumstances of the case wherein it is the specific submission of learned counsel for the petitioner that he is neither owner nor driver of the vehicle in question and save and except the bald allegation that he was one of the accused who had fled away on seeing the police party, there is no other material to connect him with the present case and that co-accused similarly situated have been granted privilege of anticipatory bail by various Benches of this Court, the petitioner has got no criminal antecedent, let the petitioner above-named in the event of his arrest or surrender within a period of four weeks from today in connection with Baniyapur @ Baniapur P.S. Case No. 319 of 2018 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 2nd Additional Sessions Judge – cum – Special Judge, Excise, Saran, 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.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner.

(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'.

