

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25833 of 2020

Arising Out of PS. Case No.-73 Year-2020 Thana- PIRO District- Bhojpur

MANTOSH KUMAR, S/o Shobhlayak Singh @ Sabalayak Singh, Resident
of Village - Laharabad, Police Station - Piro, District - Bhojpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shiv Prasad Gupta, Advocate

For the Opposite Party/s : Mr. Shyam Kumar Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

2 19-10-2020 The matter has been taken up through virtual Court
proceeding.

Let the defect, if any, be removed within fifteen days of
the start of the physical Court.

Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner is apprehending his arrest in a case
registered for the offence punishable under Section 420 of the Indian
Penal Code and Section 30(a) of the Bihar Prohibition and Excise
Act, 2016.

Liquor was recovered from a four wheeler and the person
apprehended at the time of recovery disclosed to the police that the
petitioner was also there and fled away.

Learned counsel for the petitioner submits that the
petitioner has got no criminal antecedent and there is no direct
evidence against the petitioner. Moreover, the confession before the



police is no evidence in view of Section 25 and 26 of the Evidence Act.

Finding substance in the submission aforesaid, let the petitioner, above named, in the event of his arrest or surrender before the learned Court below within a period of thirty days from the date of receipt of the order, be released on anticipatory bail on furnishing bail bond of Rs.20,000/- (rupees twenty thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending in connection with Excise Case No. 559 of 2020 arising out of Piro Police Station Case No. 73 of 2020, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure as well as subject to the following conditions:-

(a) The petitioner shall fully cooperate with the investigation/trial of the case, failing which the court below shall be at liberty to cancel the bail bond of the petitioner.

(b) Both the bailors shall be resident of the territorial jurisdiction of the learned court below.

(c) The petitioner shall not leave the country without permission of the trial court.

(Birendra Kumar, J)

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