

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.22877 of 2020**

Arising Out of PS. Case No.-978 Year-2019 Thana- GOVERNMENT OFFICIAL COMP.
District- East Champaran

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MANOJ SRIVASTAVA @ MANOJ KUMAR S/o Late Devnarayan
Srivastava Resident of Village-Chota Bariyarpur Ward No.7, P.S.-Chhatauni,
District-East Champaran.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Abhishek Kumar,Advocate
For the Opposite Party/s : Mr.Bharat Bhushan, APP

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

5 03-12-2020 Heard learned counsel for the petitioner and Mr. Bharat
Bhushan, learned APP for the State.

The petitioner in the present case is seeking pre-arrest bail
in connection with Excise Case No. 978 of 2019 registered for the
offences punishable under Sections 30(a), 32, 38, 41(1) of the Bihar
Prohibition and Excise Act.

Learned counsel for the petitioner submits at the outset
that this petitioner has no criminal antecedent and what has been
recorded by the learned Sessions Judge in the impugned order is an
error of record because it will appear from the prosecution report
itself that the criminal antecedent has been found as that of accused
nos. 1 and 3 who are not before this Court.

Learned counsel further submits that in course of
investigation police has not found any connection of this petitioner



with the vehicles in question from which the illicit liquors have been recovered. This petitioner is neither the owner of the said vehicle nor anybody has seen him in the said vehicle. It is further submitted that no independent witness has come forward to say that this petitioner was found involved in sale of liquor.

Mr. Bharat Bhusan, learned APP for the State has gone through the case diary and on query made by this Court, learned APP confirms that criminal antecedent noted is that of accused nos. 1 and 3 and not of this petitioner he has not pointed out any material from the case diary showing connection of this petitioner with the vehicles and/or any independent witness saying that the petitioner was seen with the said vehicle or involved in sale of liquor.

In the aforesaid facts and circumstances of the case where this Court has not noticed any material connecting this petitioner with the present case, let the petitioner above-named in the event of his arrest or surrender within a period of four weeks from today in connection with Excise Case No. 978 of 2019 , 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 9th Additional Sessions Judge cum Special Judge, Excise, Motihari, East Champaran, 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.

The application is allowed.

(Rajeev Ranjan Prasad, J)

SUSHMA2/Rajeev

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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'.

