

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.23610 of 2020**

Arising Out of PS. Case No.-158 Year-2019 Thana- RAJEPUR District- East Champaran

LALBABU RAY @ LALU RAY Son of Jugeshwar Ray Resident of Village -
Tajpur Saraiya, P.S. Rajepur, District - East Champaran.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Karandeep Kumar,Advocate

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

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

2 08-10-2020 Learned counsel for the petitioner undertakes to remove all the defects pointed out by the Stamp Reporter within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr. Manoj Kumar, learned APP for the State.

The petitioner in the present case is seeking pre-arrest bail in connection with Rajepur P.S. Case No. 158 of 2019 registered for the offences punishable under Sections 272, 273 of the Indian Penal Code and 30(a) of the Bihar Prohibition and Excise Act.

Learned counsel for the petitioner submits that from the First Information Report it will appear that the gallon in which it is alleged that country-made liquor were kept has been seized by police from the premises of the primary school. It is alleged that on seeing the police party one person started fleeing away from the school premises in the meantime some villagers assembled there and it was



an evening time and the allegation is that those villagers disclosed the name of the petitioner as the person who was fleeing away.

It is submitted that it is a false implication of the petitioner and there is no disclosure as to who identified the petitioner as the police has itself stated that taking benefit of the darkness the said person had fled away. So far as this petitioner is concerned, he had got no criminal antecedent as stated in paragraph '3' of the present application.

Mr. Manoj Kumar, learned APP for the State has though opposed the prayer for anticipatory bail of the petitioner but considering the facts and circumstances of the case, wherein the liquor has been recovered from the premises of the school and it is stated that the person fleeing away took benefit of the darkness and only thereafter it is stated that some villagers assembled and they disclosed the name of the petitioner and again who were those villagers is not even remotely indicated, there being no prima-facie material to connect the petitioner in the present case, let the petitioners above-named in the event of their arrest or surrender within four weeks from today, be released on bail on furnishing of bail bonds of Rs. 25,000/- (Twenty Five Thousand only) each with two sureties of the like amount each to the satisfaction of learned 9th Additional Sessions Judge-cum-Special Judge Excise, East Champaran in connection with Rajepur P.S. Case No. 158 of 2019 , 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)

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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'.

