

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.23618 of 2020**

Arising Out of PS. Case No.-391 Year-2019 Thana- DIGHWARA District- Saran

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TUNMUN @ TUNMUN KUMAR @ PREM PRAKASH GUPTA,, S/o
Takeshwar Pd. @ Tarkeswar Prasad, Resident of Village-Raipatti, P.S.-
Dighwara, District-Saran.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Mukesh Kumar Singh, Advocate

For the Opposite Party/s : Mr.Nagendra Prasad, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 24-11-2020 Learned counsel for the petitioner undertakes to
remove all the defects pointed by the Stamp Reporter within three
weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr.
Nagendra Prasad, learned A.P.P. for the State.

Petitioner in the present case is seeking pre-arrest bail
in connection with Dighwara P.S. Case No. 391 of 2019 registered
for the offences punishable under Sections 272, 273 of Indian
Penal Code and Section 30(a) of Bihar Prohibition and Excise Act.

Learned counsel for the petitioner has submitted that the
illicit liquour was not recovered from the house of the petitioner
and it was recovered from a Parti land on which the petitioner has
no control.



This Court has called for the case diary which has been received and the Court has perused the same.

It appears from perusal of the case diary that the recovery is from a Parti land and although it is alleged that one person fled away taking advantage of the darkness in night and later on some local persons informed the Police Officer that it was this petitioner who had fled away, in the diary neither the name of such persons have been disclosed nor any independent witness has come forward to support the allegation that this petitioner was the person who had fled away. The petitioner has also got no criminal history as stated in paragraph '80' of the case diary.

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

Taking into consideration the aforesaid facts and circumstances appearing from the diary, this Court directs that the petitioner above named in the event of his arrest or surrender within a period of four weeks from today be enlarged on bail on furnishing 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, Special Judge, Excise, Saran, Chapra in connection with Dighwara P.S. Case No. 391 of 2019, subject to the condition 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.

This 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'.

