

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)  
CRIMINAL MISCELLANEOUS No.27539 of 2020**

Arising Out of PS. Case No.-236 Year-2019 Thana- PANAPUR District- Saran

PRABHANS SINGH Son of Late Kishun Singh Resident of Village- Totaha  
Jagatpur, P.S.- Panapur, District- Saran (Chapra).

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

**Appearance :**

For the Petitioner/s : Mr.Sachida Nand Rai, Advocate

For the Opposite Party/s : Mr.Akhileshwar Dayal, APP

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

2      03-12-2020      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. Akhileshwar Dayal, learned APP for the State.

The petitioner in the present case is seeking pre-arrest bail in connection with Panapur P.S. Case No. 236 of 2019 registered for the offences punishable under Sections 30, 30(A), 38, 41 of the Bihar Prohibition and Excise Act, 2016.

Learned counsel for the petitioner submits that from the First Information Report it will appear that when the police party raided the poultry farm on information that illicit liquors are being kept there, two persons started fleeing away from the poultry farm. Police recovered two containers of 20 liters each having illicit liquor. It is alleged that the villagers assembled there and they disclosed the



name of the persons who were fleeing away as one Bhutkun Singh @ Sanjay Singh and another Prabhans Singh (this petitioner). Learned counsel submits that in the First Information Report there is no indication at all as to who identified this petitioner. The petitioner does not own the poultry farm and he has no connection with the same. It is further submitted that the co-accused similarly situated has been granted privilege of anticipatory bail by a learned Co-ordinate Bench of this Court in Cri. Misc. 3494 of 2020. The petitioner has otherwise no criminal antecedent.

Learned APP for the State has though opposed the prayer for pre-arrest bail of the petitioner but in the given facts and circumstances of the case where the poultry farm does not belong to the petitioner and the submission is that by making a vague statement that villagers had disclosed the name of the petitioner, the petitioner has been made accused but there is no indication as to who identified the petitioner as also the petitioner has otherwise 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 Panapur P.S. Case No. 236 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 2<sup>nd</sup> Additional Sessions Judge cum Special Judge, Excise, Chapra, District 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.

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'.

