

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.22846 of 2020**

Arising Out of PS. Case No.-4 Year-2020 Thana- SONBERSA District- Sitamarhi

1. AJAY RAI @ AJAY RAY Son of Siman Ray Resident of Village-Basantpur, P.S.-Sonbarsa, District-Sitamarhi (Bihar).
2. Raj Dayal Rai @ Ram Dayal Rai @ Raj Dayal Ray @ Ram Dayal Kumar Son of Siman Ray Resident of Village-Basantpur, P.S.-Sonbarsa, District-Sitamarhi (Bihar).

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

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

For the Opposite Party/s : Mr. Narendra kumar Singh, APP

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

2 29-09-2020 Heard learned counsel for the petitioners and Mr. Narendra Kumar Singh, learned APP for the State.

The petitioners in the present case are seeking pre-arrest bail in connection with Sonbarsa P.S. Case No. 04 of 2020 registered for the offences punishable under Sections 30(a) and 38 of the Bihar Prohibition and Excise Act, 2016.

Learned counsel for the petitioners submits that from the First Information Report it will appear that the recovery of illicit liquor has been made from the hut of one Raj Karan Rai and then in course of raid it is alleged that the co-accused fled away. The petitioners are among them as alleged.

Learned counsel submits that the petitioners have no criminal antecedent and the co-accused similarly situated has been



granted privilege of anticipatory bail and statement to this effect has been made in paragraph '8' of the present application.

On the other hand, learned APP for the State has though opposed the prayer for anticipatory bail of the petitioners but considering that there is no recovery from this petitioners and the names of these petitioners are said to have been disclosed by some other persons, the co-accused having been granted privilege of anticipatory bail by learned Co-ordinate Bench of this Court, let the petitioners above named in case of their arrest or surrender within a period of four weeks from today, be released on bail on furnishing of bail bonds of Rs. 25,000/- (twenty five thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge II-cum-Special Judge Excise Act, Sitamarhi in connection with Sonbarsa P.S. Case no. 04 of 2020, subject to the condition as laid down under Section 438(2) 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 before accepting the bail bond



the learned Court below shall take an affidavit that these petitioners have no criminal antecedent.

The application stands disposed of accordingly.

(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'.

