

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.22829 of 2020**

Arising Out of PS. Case No.-222 Year-2019 Thana- KAUWAKOL District- Nawada

SURENDRA KUMAR @ SURENDRA YADAV S/o Haribansh Yadav
Resident of Village- Guadjpdjra, P.S.- Kowakole, Distt- Nawada.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Man Mohan Kumar,Advocate

For the Opposite Party/s : Mr.Umesh Lal Verma, APP

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

3 04-11-2020 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. Umesh Lal Verma, learned APP for the State.

The petitioner in the present case is seeking pre-arrest bail in connection with Kowakole P.S. Case No. 222 of 2019 registered under Sections 307, 353, 337, 338 of the Indian Penal Code and Section 30(a) of Bihar Prohibition & Excise Act.

Learned counsel for the petitioner submits that as per the first information report when the Police personnel stopped the motorcycle on which two boys were riding, they tried to flee away with the motorcycle. On this the police personnel chased them but those motorcycle borne miscreants pushed down the motorcycle of the police personnel and they tried to flee away. Somehow the police



personnel were able to catch hold one of the miscreants and seized 40 liters of country made Mahua wine. In this effort to arrest the miscreants some police personnel were injured. The apprehended accused disclosed his name as Kundan Kumar son of Sunil Yadav of village Madwa who disclosed that he had purchased the Mahua wine from this petitioner and was going to sale the same.

Learned counsel for the petitioner submits that save and except the statement of apprehended accused that he had purchased the wine from this petitioner, no material at all has been collected by Police much less any prima-facie material to show that this petitioner is involved in sale of liquor or Mahua wine. It is submitted that the petitioner has otherwise no criminal antecedent and it is nothing but a case of false implication of the petitioner.

Learned APP for the State has though opposed the prayer for anticipatory bail of the petitioner but from the case diary it appears that in course of investigation no statement of any witness has come on the point of involvement of the petitioner in sale of liquor/mahua wine, nothing has been recovered from the house of this petitioner, the petitioner has no criminal antecedent, let the petitioner above named in the event of his arrest or surrender within four weeks from today in connection with Kowakole P.S. Case No. 222 of 2019 be released on bail on furnishing of bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Sessions Judge,



Excise Act, Nawada, subject to the condition as laid down under
Section 438 (2) Cr.P.C. as under :

(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 steps 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'.

