

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.27495 of 2020**

Arising Out of PS. Case No.-17 Year-2020 Thana- BHAGWANPUR District- Begusarai

SUBODH YADAV, S/o Mahendra Yadav, Resident of Village- Jagdishpur,
P.S.- Bhagwanpur, District- Begusarai.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Shree Niwas Singh, Advocate

For the Opposite Party/s : Mr.Kumar Ranjit Ranjan, A.P.P.

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

2 25-11-2020 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. Kumar Ranjit Ranjan, learned A.P.P. for the State.

Petitioner in the present case is seeking pre-arrest bail in connection with Bhagwanpur P.S. Case No. 17 of 2020 registered for the offences punishable under Section 30(a) of Bihar Prohibition Excise Act, 2016.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. He submits that the petitioner has no concern and connection with Yadav hotel from where it is alleged that after throwing the bag containing the liquor one person had fled away and this petitioner



is said to be the said person. It is also submitted that the petitioner has no criminal antecedent.

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

Having regard to the facts and circumstances of the case, wherein it is the submission of learned counsel for the petitioner that he has no concern and connection with Yadav hotel from where it is alleged that after throwing the bag containing the liquor one person had fled away and this petitioner is said to be the said person but there is no identification of the petitioner by any credible source and it is the submission of the petitioner that even in the F.I.R. it is stated that in absence of any independent witness seizure list has been prepared taking two Police constables as witness to the said seizure list and it is not known as to who identified this petitioner, 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 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 Additional Sessions Judge-II-cum-Special Judge, Excise Act, Begusarai in connection with Bhagwanpur P.S. Case No. 17 of 2020, 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)

vats/-

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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'.

