

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.23681 of 2020**

Arising Out of PS. Case No.-8 Year-2020 Thana- PAKRIDAYAL District- East Champaran

Sunam Kumar @ Suman Prasad, S/o Yodha Prasad @ Ayodhya Bhagat,
Resident of Mohalla- Ward No.13, Majhar Amawa Tola, P.S.- Pakridayal,
Distt- East Champaran.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Vinay Kumar Mishra, Advocate

For the Opposite Party/s : Mr. Manoj Kumar No. 1, A.P.P.

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

3 15-10-2020

Let it be recorded that the order dated 09.10.2020 was passed by conducting the Court proceeding through Video Application from the Court's Chambers.

Learned counsel for the petitioner undertakes to remove all the defects pointed out by Stamp Report within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr. Manoj Kumar No. 1, learned APP for the State.

The petitioner in the present case is seeking pre-arrest bail in connection with Pakridaayal P.S. Case No. 08 of 2020 registered for the offences punishable under Section 30(a) of Bihar Prohibition and Excise Act, 2016.

Learned counsel for the petitioner submits that there is no recovery from the place of the petitioner. It is alleged that he was



one among the persons who was fleeing away on seeing the police party.

Learned counsel submits that the co-accused Rajesh Prasad who is similarly situated to the petitioner has been granted privilege of anticipatory bail by a learned co-ordinate Bench of this Court in Cr. Misc. No. 22527 of 2020 vide order dated 04.09.2020. This petitioner has got no criminal antecedent.

Learned APP for the State is present and has though opposed the prayer for anticipatory bail of the petitioner but it is not denied that recovery of liquor has been made from the backside of the house of co-accused Vinay Singh and not from the house of this petitioner. It is also not denied that the co-accused has been granted privilege of anticipatory bail by a learned co-ordinate Bench of this Court.

Having regard to the facts and circumstances of the case, considering that there is no recovery from possession of the petitioner and that the similarly situated co-accused has been granted privilege of anticipatory bail, 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 Special Judge, Excise Act, East Champaran, Motihari in connection with Pakridaayal P.S. Case No. 08 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'.

