

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.23573 of 2020**

Arising Out of PS. Case No.-244 Year-2020 Thana- SUGAULI District- East Champaran

VINAY KUMAR @ VIJAY KUMAR Son of Late Ram Chandra Prasad
Resident of Village- Bajrang Dham, Ward No. 9, Sugauli, P.S.- Sugauli,
District- East Champaran.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dhurendra Kumar, Adv.

For the Opposite Party/s : Ms. Rina Sinha, APP

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

2 08-10-2020 Learned counsel for the petitioner undertakes to remove the defects within two weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and learned APP for the State.

The petitioner in the present case is seeking pre-arrest bail in connection with Sugauli P.S. Case No.244 of 2020 registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

Learned counsel for the petitioner submits that it is a case of false implication of the petitioner as there is no material to connect him in the present case. Recovery of illicit liquor has taken place from one Jaiswal Meat Shop at Sabji Mandi, Sugauli which is not owned and possessed by this petitioner. In paragraph '7' of this



application a specific statement has been made that he is not the owner of Jaiswal Meat Shop rather he is a grocery shopkeeper and in this case police has not made the meat shop owner accused and the petitioner has been made a scapegoat.

Learned counsel has shown to this Court the First Information Report and the seizure list and submits that in both the documents it is specifically stated that the recovery has been made from Jaiswal Meat Shop. It is then submitted that the petitioner has no criminal antecedent and he is being framed in this case only in connivance with the local meat shop.

On the other hand, Ms. Rina Sinha, learned APP for the State has opposed this application for anticipatory bail of the petitioner but admits to this extent that the F.I.R. and the seizure list are showing recovery from Jaiswal Meat Shop.

In the given facts and circumstances of the case wherein this Court has noticed that police has shown seizure of the illicit liquor from Jaiswal Meat Shop and the petitioner has not been named as owner of the said shop rather the allegation is that on asking the people who had assembled there police was informed that this petitioner brings the liquor in the meat shop and seized the same from there and on this basis the petitioner has been made accused and the meat shop owner has not been made accused, considering that the petitioner has 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 Sugauli P.S. Case No.244/2020 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 7th Additional Sessions Judge-cum-Special Judge, Excise, East Champaran, Motihari, 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 learned 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.

(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'.

