

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25960 of 2020

Arising Out of PS. Case No.-144 Year-2020 Thana- BEGUSARAI MUFFASIL District-
Begusarai

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1. Kanhaiya Kumar, Son of Satya Narayan Singh, Resident of Village- Baru Aghu, P.S.- Mufassil, District- Begusarai.
 2. Raushan Kumar, Son of Ravindra Singh, Resident of Village- Samho, P.S.- Samho, District-Begusarai, At present residing Baru Aghu, P.S.-Mufassil, District- Begusarai.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Surendra Kishore Thakur, Adv.
For the Opposite Party/s : Mr.Sanjay Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 30-01-2021 Heard learned counsel for the petitioners and Mr. Sanjay Kumar Singh, learned APP for the State.

The petitioners in the present case are seeking pre-arrest bail in connection with Mufassil P.S. Case No.144/2020 registered for the offences punishable under Section 120(B) of the Indian Penal Code and Sections 30(a), 32/41(1) of the Bihar Prohibition and Excise Act, 2016.

Learned counsel for the petitioners submits that these petitioners are neither the owners of the truck nor the drivers and they have not been identified in course of investigation as either owner or driver of the 'Thela' which were seized by police. Learned counsel submits that the names of these petitioners



have been brought on the basis of so-called secret information and the information furnished by Chowkidar later on, the Chowkidar was not there in the raiding party and in the case diary no such statement of the Chowkidar has been recorded. It is submitted that the petitioners have otherwise no criminal antecedent.

Learned APP for the State has though opposed the prayer for pre-arrest bail of the petitioners, but after going through the case diary he has not shown to this Court that the petitioners have been identified on the spot by any means or that their names have transpired as owners or drivers of the truck or Thela.

Having regard to the facts and circumstances of the case wherein it is the submission of learned counsel for the petitioners that these petitioners are neither the owners of the truck nor the drivers and they have not been identified in course of investigation as either owner or driver of the Thela which were seized by police, the name of these petitioners have been brought on the basis of so-called secret information and the information furnished by Chowkidar later on, the Chowkidar was not there in the raiding party and in the case diary no such statement of the Chowkidar has been recorded, the petitioners



have otherwise no criminal antecedent and learned APP for the State having gone through the case diary has not shown to this Court that the petitioners have been identified on the spot by any means or that their names have transpired as owners or drivers of the truck or Thela, let the petitioners above-named in the event of their arrest or surrender within a period of four weeks from today in connection with Mufassil P.S. Case No.144/2020 be released on bail on furnishing bail bonds of Rs. 25,000/- (twenty five thousand) each with two sureties of the like amount each to the satisfaction of learned A.D.J.-II-cum-Special Judge, Excise, Begusarai, 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 court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

The case diary has been returned.

(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'.

