

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23630 of 2020

Arising Out of PS. Case No.-191 Year-2019 Thana- ISUAPUR District- Saran

UMESH KUMAR SINGH @ UMESH SINGH S/o Late Ram Ayodhaya
Singh Resident of Village-Chakahan, P.S-Isuapur, District-Saran.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Mukesh Kumar Singh, Advocate
For the Opposite Party/s : Mr.Md. Fahimuddin, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 25-01-2021 Heard learned counsel for the petitioner learned APP
for the State.

The petitioner, in the present case, seeking pre-arrest bail in connection with Isuapur P.S. Case No. 191 of 2019 registered for the offences punishable under Sections 30, 38 and 41 of Bihar Prohibition & Excise Act, 2016.

Learned counsel for the petitioner submits that as per first information report, on getting information about selling of illicit liquor the police conducted raid and recovered 15 liters of country made liquors from the bamboo clumps of Amir Singh from where Umesh Singh fled away after throwing gallon containing liquor on seeing the police.

Learned counsel for the petitioner submits that petitioner has been falsely implicated in this case. Learned counsel submits that the raid was conducted in the orchard of



one Dhiraj Singh and not of this petitioner. Petitioner has no concern with the co-accused or the liquor recovered from there and petitioner has got 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 the raid was conducted in the orchard of one Dhiraj Singh and not of this petitioner and nobody has identified the petitioner fleeing away from the said orchard, learned A.P.P. for the State, despite repeated query from this Court, is unable to show that there is any witness who has identified the petitioner fleeing away from the alleged spot or that the orchard belongs to 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 in connection with Isuapur P.S. Case No. 191 of 2019 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 2nd Additional Sessions Judge/Special Judge, Excise, Saran, Chapra, 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 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. 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.

(Rajeev Ranjan Prasad, J)

Rajeev/-

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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'.

