

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26941 of 2020

Arising Out of PS. Case No.-40 Year-2020 Thana- AANDAR District- Siwan

MOKHTAR RAM S/o Visheshwar Ram Resident of Village-Gothi, P.S.-
Andar, District-Siwan.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Ajay Kumar Tiwary, Advocate

For the Opposite Party/s : Mr.Anand Kishore Choudhary, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 04-01-2021 Heard learned counsel for the petitioner and Mr.
Anand Kishore Choudhary, learned APP for the State.

The petitioner in the present case is seeking pre-arrest
bail in connection with Andar P.S. Case No. 40 of 2020
registered for the offences punishable under Sections 30(A) of
the Bihar Prohibition and Excise Act, 2016.

Learned counsel for the petitioner submits that as per
the prosecution story when the patrolling party reached near the
place in question on a secret information, a person came out of
the house of this petitioner and he succeeded in fleeing away
even after chase. Thereafter, it is alleged that the informant
police officer had conducted a search in the Khop and found
1.800 Liters of foreign liquor. Learned counsel submits that
nothing has been recovered from the conscious possession of
the petitioner and in course of investigation no witness has come



to identify this petitioner and further that the petitioner has no criminal antecedent. It is further submitted that the Khop in question is not inside the house and it is an open place where the straw of cattle are kept and anybody can reach there.

Learned A.P.P. for the State has though opposed the prayer for anticipatory bail of the petitioner but from the case diary no material has been shown to this court as to how this petitioner was identified and the description of the place as has been claimed by the petitioner has not been disputed, let the petitioner above-named in the event of his arrest or surrender within a period of four weeks from today in connection with Andar P.S. Case No. 40 of 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 Additional Sessions Judge - 2nd – cum – Special Judge, Excise, Siwan, 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.

(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'.

