

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.26876 of 2020**

Arising Out of PS. Case No.-36 Year-2020 Thana- KUCHAIKOTE District- Gopalganj

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Bhanu Singh, Son of Chandeshwar Singh, Resident of Village - Sasamusa,  
P.S. - Kuchaikote, District - Gopalganj. Presently residing at Village - Baniya  
Chhapar, P.S. - Kuchaikote, District - Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.Indrajeet Bhushan, Adv.

For the Opposite Party/s : Mr.Khurshid Anwar, APP

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

4      02-02-2021                      Heard learned counsel for the petitioner and Mr.  
  
Khurshid Anwar, learned APP for the State.

The petitioner in the present case is seeking pre-arrest  
bail in connection with Kuchaikote P.S. Case No.36/2020  
registered for the offences punishable under Sections 30(a),  
32(2), 36 and 41(1) of the Bihar Prohibition and Excise Act,  
2016.

Learned counsel for the petitioner submits that the  
petitioner is innocent and has falsely been implicated in this  
case. Learned counsel submits that so far as this petitioner is  
concerned, his name has been brought in this case on the basis  
of a confessional statement of the apprehended accused saying  
that the petitioner was one amongst others who was in the car



and had fled away on seeing the police party.

Learned counsel submits that the registration number of the car has been found in the name of one Sarita Chauhan of Najafgarh at Delhi, but the I.O. has not examined her. It is submitted that the petitioner has no criminal antecedent.

Learned APP for the State is present and 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 so far as this petitioner is concerned, his name has been brought in this case on the basis of a confessional statement of the apprehended accused saying that the petitioner was one amongst others who was in the car and had fled away on seeing the police party, the registration number of the car has been found in the name of one Sarita Chauhan of Najafgarh at Delhi, but the I.O. has not examined her and on specific query raised by this Court as to whether any independent witness has seen this petitioner using the said car, learned APP for the State submits that no such material has been collected by I.O. in course of investigation and there is no witness to that effect, the petitioner has no criminal antecedent, therefore, this Court is inclined to protect the petitioner. Let the petitioner above-named



in the event of his arrest or surrender within a period of four weeks from today in connection with Kuchaikote P.S. Case No.36/2020 be released 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 2<sup>nd</sup> Additional Sessions Judge-cum-Special Judge, Excise, Gopalganj, 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)**

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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'.

