

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23604 of 2020

Arising Out of PS. Case No.-117 Year-2020 Thana- GOVERNMENT OFFICIAL COMP.
District- Samastipur

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LAXMAN SINGH S/o Late Sukhdev Singh Resident of Village- Fatehpur
Bala, Ward No.5, P.S.- Musrigharari, Distt- Samastipur. Petitioner
Versus

The State of Bihar Opposite Party

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Appearance :

For the Petitioner/s : Mr.Brisketu Sharan Pandey,Advocate
For the Opposite Party/s : Mr.Akhileshwar Dayal,APP

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

6 18-01-2021 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 Excise Case No. 117 of 2020 registered for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

Learned counsel for the petitioner submits that on secret information, the informant who is the Excise Official went to the house of the petitioner and on search has recovered 115.200 liters of illicit liquor from the backyard of the house of the petitioner.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. It is submitted that the illicit liquor has not been recovered from the house of the petitioner or from his conscious possession rather it has been recovered from the backyard of the house of the petitioner to which the petitioner has no concern. The petitioner has got no criminal antecedent.



Learned APP for the State has opposed the prayer for anticipatory bail of the petitioner.

Having regard to the facts and circumstances of the case from which it appears that the illicit liquor in question has been recovered from a place situated towards Southern side of the backyard of the house of this petitioner and learned APP for the State is unable to produce any material showing that the recovery was from the premises of the petitioner or from his conscious possession, let in case of his arrest or surrender the petitioner above named within a period of four weeks from today in connection with Complaint Case No. 117 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 A.D.J. 2nd cum Special Judge Excise Act, District-Samastipur, subject to the condition 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.

The application is disposed of accordingly.

(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'.

