

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39115 of 2020

Arising Out of PS. Case No.-577 Year-2020 Thana- SAHARSA District- Saharsa

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Anshu Kumar, Son of Arun Das @ Arun Kumar Das @ Arun Kumar,
Resident of Village - Pashupalan Colony, Ward No.2, P.S.- Saharsa, Distt.-
Saharsa.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Satish Kumar Singh, Advocate

For the Opposite Party/s : Mr.Bhanu Pratap Singh, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 12-02-2021 Learned counsel for the petitioner undertakes to

remove all the defects as pointed out by office within four

weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr.

Bhanu Pratap Singh, learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in

connection with Special (Excise) Case No. 284 of 2020 arising

out of Saharsa Sadar P.S. Case No. 577 of 2020 registered for

the offence under Section 30(a) of Bihar Excise and Prohibition

Act and 25(1-b)a, 26, 35 of the Arms Act.

Learned counsel for the petitioner submits that as per

the prosecution story the informant raided Nathi Singh lodge

and recovered 18.750 litres of illicit liquor as well as country



made pistol and one motorcycle also. It is alleged that the petitioner was arrested and confessed that the liquor belongs to him and he threw the pistol in the bush.

Learned counsel submits that the petitioner has been apprehended on mere suspicion and the alleged confession made before the Police is wrong and concocted one. It is submitted that the alleged recovery has been shown from a lodge where several persons are residing and there is no allegation that the petitioner was found in possession of arms. The petitioner is in custody since 30.07.2020 having no criminal antecedent.

Mr. Bhanu Pratap Singh, learned A.P.P. for the State has opposed the prayer for bail of the petitioner.

Having regard to the facts and circumstances of the case wherein the recovery of the pistol and illicit liquors have been shown from the Lodge in question in which several persons are residing and there is no specific allegation that this petitioner was found in possession of any arm or from his possession any thing has been recovered, in the nature of the allegations and materials placed before this Court and further that the petitioner has remained in jail in connection with this case since 30.07.2020, he has otherwise no criminal antecedent, investigation against him is complete and there is no submission



on behalf the State that his release at this stage is likely to result in tampering with evidence or interfering with the course of trial, let the petitioner above named be released on bail on furnishing of bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-II-cum-Special Judge (Excise), Saharsa in connection with Special (Excise) Case No. 284 of 2020 arising out of Saharsa Sadar P.S. Case No. 577 of 2020, subject to the condition as laid down under Section 437 (3) Cr.P.C. as under :

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected, and

(c) that such 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 or tamper with the evidence.

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'.

