

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56313 of 2021

Arising Out of PS. Case No.-46 Year-2021 Thana- PURNEA SADAR District- Purnia

Ram Kishor Agrawal, aged about 58 years, Gender-Male, Son of Satya Narayan Agarwal, Resident of E- 296, Greater Kailash -II, South Delhi, P.S.- Greater Kailash, District- South Delhi, New Delhi- 110048.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Tuhin Shankar, Advocate

For the Opposite Party/s : Mr. Tapeswar Sharma, APP

CORAM: HONOURABLE MR. JUSTICE SANJEEV PRAKASH SHARMA

ORAL ORDER

2 25-02-2022 Heard the parties.

The petitioner seeks bail in anticipation of his arrest in connection with Sadar P.S. Case No. 46 of 2021 instituted for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act and Sections 270, 273 and 120(B) of the Indian Penal Code.

Learned counsel for the petitioner submits that the petitioner is a daily wage businessman having ownership of the godown. In his confessional statement which has been made as a basis to make the petitioner as one of the accused of being the owner of the property, exfacie case under Section 30(a) or Section 76 would not be made out.

I have considered the aforesaid submission and



satisfied that exfacie case is not made out against the petitioner, I am inclined to allow the petitioner on bail, in the event of arrest he shall be released on anticipatory bail, subject to the conditions as laid down under Section 438(2) of the Cr.P.C, which are as under:-

1. The petitioner, above named shall furnish personal bond with his recent self-attested photograph and surety of the like amount on the following conditions at the satisfaction of the investigating officer;

2. The petitioner shall cooperate with the investigation and make himself available for interrogation whenever required;

3. The petitioner shall not directly or indirectly make any inducement, threat or promise to any witness acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer;

4. The petitioner shall not obstruct or hamper the police investigation and not to play mischief with the evidence collected or yet to be collected by the police;

5. The petitioner shall not leave the territory of Purnea, without prior permission of the Court, till trial is over;

6. The petitioner shall maintain law and order;

7. The petitioner shall, at the time of execution of the



bond, furnish his address and mobile number to the investigating officer, and the court concerned, and shall not change the residence till the final disposal of the case;

8. The petitioner shall surrender his passport, if any, before the investigating officer within a week and, if he does not possess any passport, he shall file an affidavit to that effect before the investigating officer;

9. The petitioner shall regularly remain present during the trial, and cooperate with the Hon'ble court to complete the trial for the above offences.

Learned counsel for the State has vehemently opposes the bail application.

(Sanjeev Prakash Sharma, J)

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