

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
Criminal Miscellaneous No.1000 of 2020**

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Kamlesh Yadav Aged about 38 years, son of Shiv Narayan Yadav, Resident of
village- Mubarakpur, P.s.- Manjhi, District- Saran at Chapra
..... Petitioner

Versus

The State of Bihar Opposite Party

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Appearance :

For the Petitioner/s : Mr. Chandra Mohan Jha, Advocate
For the Opposite Party/s : Mr. Kumar Virendra Narayan, APP

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

4 12-05-2020 Heard learned counsel for the petitioner and learned
APP for the State through virtual court proceeding.

This is an application for grant of regular bail to the
sole petitioner in connection with Manjhi P.S. Case No. 368 of
2019 registered for the offences punishable under Sections 30,
30(A), 38(i) (ii) of Bihar Prohibition and Excise Act, 2016.

Learned counsel for the petitioner submits that the
illicit liquor has been seized from a truck standing nearby the
poultry farm of the petitioner. It is his submission that there is
no recovery from the poultry farm of the petitioner and the truck
in question does not belong to him.

Learned counsel submits that the two co-accused
persons have been granted bail. One of them has been released on
anticipatory bail. So far as this petitioner is concerned, he has
been in custody for five months by now, the investigation



against him is complete. He has no criminal history. Learned counsel submits that subject to observance of the norms and guidelines of the Government of India and the State of Bihar in respect of COVID-19 Pandemic, the petitioner may be released on bail.

Learned APP for the State has opposed the prayer for regular bail of the petitioner. According to him, the quantity of liquor seized from the truck is huge and the said truck was standing near the poultry farm of this petitioner.

Learned APP submits that the illicit liquors were being unloaded in the poultry farm.

Having heard learned counsel for the petitioner and learned APP for the State as also on perusal of the case diary which is available on the record, it appears that as per the allegations the illicit liquors were being unloaded from the truck when the Police party reached there, liquors were seized from the truck, however, there is no allegation that recovery of liquor has been made from inside the poultry farm premises. The seizure list shows recovery from the truck near the poultry farm.

In the given facts and circumstances of the case, considering that co-accused have already been released on bail, the petitioner has no criminal antecedent and has remained in



custody for five months, the investigation against him is complete, this Court directs release of the petitioner above named on bail in connection with Manjhi P.S. Case No. 368 of 2019 on furnishing of bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction learned A.D.J. 2nd – cum – Special Judge, Excise, Saran at Chapra, subject to the conditions as laid down under Section 437(3) of the 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, or 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 he will abide by and observe the guidelines and directives of the Government of India and the State Government with regard to COVID-19 Pandemic during the lockdown period. The authorities



concerned shall take appropriate steps to ensure such observance prior to and after release of the petitioner.

This application stands disposed of.

(Rajeev Ranjan Prasad, J)

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Note: This is certified to be the true typed copy of the original. Original signed copy of the order has been kept in the Residential office of the Hon'ble Judge.

