

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.17649 of 2020**

Om Prakash Pathak aged about 33 years, male, son of Raj Kumar Pathak, R/o village- Madhopatti, P.s.- Kamtoul, District- Darbhanga

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s :	Mr. Vinay Kumar Mishra, Advocate
For the Opposite Party/s :	Mr. Kumar Ranjit Ranjan, APP
	Mr. Akhileshwar Dayal, APP

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

2 13-05-2020 This application has been placed for consideration by the order of the Hon'ble the Chief Justice through virtual court proceeding.

The petitioner is seeking regular bail in connection with G.O. Case No. 1301 of 2019 arising out of P.R. No. 31 of 2019 registered for the offence punishable under Section 30(a) of Bihar Prohibition and Excise Act, 2016.

It is the case of the petitioner that nothing has been recovered from his conscious possession, he is simply driver of the Bolero vehicle from which the illicit liquors are said to have been recovered and he has no knowledge about the articles kept therein. He is not the owner of the said vehicle. It is his further case that he is in custody since 20.12.2019 having no criminal antecedent and investigation against him is complete.



Learned APP for the State has opposed the prayer for regular bail of the petitioner. It is, however, not the case of the State that the investigation in this case is not complete and/or release of the petitioner is at this stage in any way going to affect the trial.

Considering the facts and circumstances of the case wherein it is the case of the petitioner that he has remained in custody for over three months having no criminal antecedent and the vehicle from which the illicit liquors are said to have been recovered does not belong to him, investigation against him is complete and there is no chance of tampering with the evidence if the petitioner is released on bail as there is no such submission on behalf of the State, this Court directs release of the petitioner above named on bail in connection with G.O. Case No. 1301 of 2019 arising out of P.R. No. 31 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 2nd Additional Sessions Judge-cum- Special Judge, Excise Act, Darbhanga 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, 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 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: 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'.

