

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.17686 of 2020**

Arising Out of PS. Case No.-133 Year-2018 Thana- MOTIHARI MUFASIL District- East
Champaran

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Nagendra Sah, Son of Raghunath Sah, Resident of Village - Saidnagar, P.S.-
Mufassil, District - East Champaran, Motihari.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Sharda Nand Mishra, Advocate

For the Opposite Party/s : Mr.Parmanand Prasad, A.P.P.

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**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.

Petitioner in the present case is seeking regular bail in
connection with Muffasil P.S. Case No. 133 of 2018 registered
for the offences punishable under Sections 272, 273 of the
Indian Penal Code and 30(a) of Bihar Prohibition and Excise
Amendment Act, 2016.

It is the submission of learned counsel for the
petitioner that the petitioner is innocent and has falsely been
implicated in this case only on the basis of suspicion. Petitioner
is in custody since 22.11.2019. The petitioner has no concern
with the alleged Car from which the alleged recovery of liquor



has been made.

Learned A.P.P. 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 the 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 the petitioner has remained in custody for over three months and 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, let the petitioner above named be released on bail in connection with Muffasil P.S. Case No. 133 of 2018 on furnishing of bail bond of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-9-cum-Special Judge, Excise, East Champaran, Motihari, 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 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'.

