

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No. 17343 of 2020**

Arising Out of PS. Case No.-83 Year-2019 Thana- KEWATI District- Darbhanga

=====

ROHIT YADAV @ ROHIT KUMAR YADAV Son of Ram Narayan Yadav
Resident of Village - Buchchaman, P.S.- Sadar, Distt.- Darbhanga.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

=====

Appearance :

For the Petitioner/s : Mr.Bimal Kumar, Advocate

For the Opposite Party/s : Mr.Akhileshwar Dayal, APP-in-Charge

=====

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

3 09-06-2020 This application has been placed for consideration by

the order of the Hon'ble the Chief Justice through virtual court

proceeding.

Heard learned counsel for the petitioner and learned

APP for the State.

The petitioner in the present case is seeking regular

bail in connection with Keoti P.S. Case No. 83 of 2019

registered for the offences punishable under Sections 30(a),

38(1), 41(1) of the Bihar Prohibition & Excise Act 2016.

Learned counsel submits that the petitioner is

innocent and has falsely been implicated in the present case. The

name of the petitioner has transpired in the confessional

statement of co-accused Dev Narayan Yadav who has already

been granted bail and the alleged recovered motorcycle does not



belong to the petitioner.

Learned APP has opposed the prayer for regular bail of the petitioner.

Considering the facts and circumstances of the case, wherein it is not controverted by learned APP for the State that the name of this petitioner has transpired in the confessional statement of co-accused Dev Narayan Yadav who has already been granted bail by learned Coordinate Bench of this Court and the motorcycle seized from the alleged place of occurrence does not belong to the petitioner and further that another co-accused of this case has also been granted anticipatory bail by learned Coordinate Bench of this Court, the petitioner had been taken on remand in the present case from the judicial custody in connection with the another two cases and has remained in custody in connection with this case since 13.01.2020, investigation against him is complete and there is no submission that the release of the petitioner at this stage is in any way likely to interfere with the course of trial, let the petitioner above named be released on bail on furnishing of bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned A.D.J. II cum Special Judge (Excise), Darbhanga in connection with Keoti P.S. Case



No. 83 of 2019, 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.

The application is allowed.

(Rajeev Ranjan Prasad, J)

SUSHMA2/Arvind

U		T	
---	--	---	--



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'.

