

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.19291 of 2020**

Arising Out of PS. Case No.-216 Year-2019 Thana- CHAUTHAM District- Khagaria

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RUPESH KUMAR S/o Chhedi Singh Resident of Village- Nawada, P.S.-
Chautham, District- Khagaria.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

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Appearance :

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

For the Opposite Party/s : Mr.Sharda Kumari,APP

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

2 05-06-2020 Learned counsel for the petitioner undertakes to

remove the defects, if any, within two weeks from start of

normal functioning of the Court.

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 Chautham P.S. Case No. 216 of 2019
registered for the offences punishable under Sections 30(a),
41(1) of Bihar Prohibition & Excise Act.

Learned counsel for the petitioner submits that the
petitioner has falsely been implicated in this case. There is no
recovery of illicit liquor from conscious possession of the
petitioner, the petitioner has remained in custody for over three
months having no criminal antecedent. It is further submitted



that co-accused have been enlarged on bail by a learned co-ordinate Bench of this Court.

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

Considering the facts and circumstances of the case wherein it is submitted that there is no recovery of illicit liquor from conscious possession of the petitioner, the petitioner has no criminal antecedent, he has remained in custody over three months and co-accused have been granted privilege of regular bail or anticipatory bail by a learned co-ordinate Bench of this Court, let the petitioner above named be released on bail in connection with Chautham P.S. Case No. 216 of 2019 G.R. No. 2830 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 Special Judge, Excise Act, Khagaria, 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 allowed.

(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'.

