

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.14890 of 2020**

Arising Out of PS. Case No.-425 Year-2019 Thana- BRAHMPUR District- Buxar

Kanhaiya @ Kamlesh Yadav, Son of Shivyogi Yadav, Resident of Village - Sapahi, P.S.- Brahmpur, Dist.- Buxar.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Rajesh Kumar Sinha, Advocate

For the Opposite Party/s : Mr.Akhileshwar Dayal, A.P.P.

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

3 29-05-2020 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 A.P.P. for the State.

Petitioner in the present case is seeking regular bail in connection with Brahampur P.S. Case No. 425/2019 registered for the offences punishable under Section 30(a) of the Bihar Excise & Prohibition Act, 2018.

Learned counsel for the petitioner submits that it is a case of false implication of the petitioner on mere suspicion. The petitioner is named in the F.I.R. on the basis of secret information though he was not arrested on the spot. It is submitted that the name of the petitioner has been brought in



this case only because he had one case on his head though he has been granted bail in the said case.

It is submitted that the co-accused Gorakh Prasad has been granted regular bail by learned coordinate Bench of this court in Cr. Misc. No. 4257/2020. It is submitted that this petitioner has no concern with any of the vehicles, he has remained in custody since 05.01.2020 and investigation against him is complete, hence he may be enlarged on bail.

Learned A.P.P. for the State has though opposed the prayer for regular bail of the petitioner, but considering the facts and circumstances of the case wherein the petitioner has been named on the basis of a secret information and the co-accused has been granted regular bail by learned coordinate Bench of this court as also that the petitioner has remained in custody for almost five months and the investigation against him is complete, there is no submission that his release at this stage is likely to adversely affect the trial or may result in tampering with the evidence, let the petitioner above named be released on bail on furnishing 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 – II cum Special Judge (Excise), Buxar, in connection with Brahmipur



P.S. Case No. 425/2019 CIS Excise 1079/2019, 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.

(Rajeev Ranjan Prasad, J)

vats/Rajeev

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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'.

