

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.17744 of 2020**

Vijay Das aged about 29 years (male) son of Bateshwar Das, R/o village-
Kateli, P.S.- Banka, District- Banka

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s :	Mr. Vibhakar Kumar, Advocate
For the Opposite Party/s :	Mr. Dr. Mrityunjaya Kr. Gautam, 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 Banka P.S. Case No. 703 of 2019 registered for the offence
punishable under Sections 30(a)/32 of Bihar Prohibition and
Excise Act, 2016.

It is the case of the petitioner that he is not named in
the FIR, he is the owner of the tractor from which the Mahua
flower is said to have been recovered. It is the further case of the
petitioner that FIR named co-accused have been granted regular
bail by this Hon'ble Court. The petitioner is in custody since
12.02.2020 having no criminal antecedent.

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 is not named in the FIR and he being the owner of the tractor has remained in custody for over three months now having no criminal antecedent, 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 Banka P.S. Case No. 703 of 2019 on furnishing of bail bonds of Rs. 25,000/- (twenty five thousand) each with two sureties of the like amount each to the satisfaction learned Additional Sessions Judge -11, Banka, 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)

avin/-

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'.

