

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.17858 of 2020**

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Bhukhal Rai @ Raj Kishor Rai, aged about 37 years (male), son of Upendra Rai, R/o village- Dubha, P.S.- Sakra, District- Samastipur

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

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

For the Opposite Party/s : Md. Madan Kumar, APP

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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.

The petitioner is seeking regular bail in connection with Sakra P.S. Case No. 364 of 2019 registered for the offence punishable under Sections 420, 467, 468 of the Indian Penal Code and Section 30(a) of Bihar Prohibition and Excise Act, 2016.

It is the case of the petitioner that the alleged Bathan from where the liquors are said to have been recovered does not belong to him and there is no recovery of liquor from his conscious possession. The petitioner is in custody since 13.01.2020 and investigation against him is complete.

It is the submission of Mr. Madan Kumar, learned



APP for the State that the liquors have been recovered from a place which is said to be the Bathan 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 and the case of the petitioner that the alleged recovery has been shown from the Bathan/Bhusa house of the petitioner but there is no independent witness to the seizure list and further that the investigation against the petitioner is complete, he has remained in custody since 13.01.2020, this Court directs release of the petitioner above named on bail in connection with Sakra P.S. Case No. 364 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 Special Judge, Excise, Muzaffarpur, 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)

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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'.

