

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.17802 of 2020**

Arising Out of PS. Case No.-461 Year-2019 Thana- TAJPUR District- Samastipur

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ABHISHEK KUMAR @ MANOHAR Son of Amit Ray @ Amit Kumar
Resident of Village - Thahra Gopalpur, P.S. - Tajpur (Waini O.P.), District -
Samastipur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

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

For the Opposite Party/s : Mr.Ahmad Ali, 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.

This is an application for grant of regular bail to the

sole petitioner in connection with Tajpur P.S. (Waini O.P.) Case

No. 461 of 2019 registered for the offences punishable under

Sections 30(a) of Bihar Prohibition and Excise Act, 2016.

It is the submission of learned counsel for the

petitioner that 329 liters 04 ml. foreign liquor was recovered

from sitting place near door made by Asbestos and bricks but

not from the conscious possession or house of the petitioner,

petitioner has been falsely implicated in this case. Learned

counsel submits that petitioner is in custody since 25.01.2020



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 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 given facts and circumstances of the case, wherein it is the submission of learned counsel for the petitioner that the seized liquor was not recovered from the conscious possession or house of the petitioner and he is in custody since 25.01.2020, the petitioner has no criminal antecedent, the investigation against him is complete and 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 Tajpur (Waini O.P.) P.S. Case No. 461 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 2nd Additional Sessions Judge – cum – Special Judge, Excise, Samastipur, 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.

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'.

