

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.19298 of 2020**

Arising Out of PS. Case No.-80 Year-2020 Thana- SHEKHPURA District- Sheikhpura

Sahrwan Kumar @ Sharwan Kewat, S/o Guleshwar Kewat, R/o village-
Bhados, Beldari, P.S.- Sheikhpura, District- Sheikhpura

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Tapeshwar Sharma, A.P.P.

**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 A.P.P. for the State.

Petitioner in the present case is seeking regular

bail in connection with Sheikhpura (Sirari O.P.) P.S. Case

No. 80 of 2020 (Excise Case No. 91/2020), registered for

the offences punishable under Sections 272, 273 of the

Indian Penal Code and under Section 30(a) of the Bihar

Prohibition and Excise Act, 2016.

Learned counsel for the petitioner submits that it



is a case of false implication of the petitioner, nothing incriminating has been recovered from his possession and he has no concern with the seized liquor.

Learned counsel submits that the liquor has been recovered from the Anganbari Centre not from the house of the petitioner as also that petitioner has no concern with the community centre of the village where the liquors were allegedly being sold and that the petitioner is in jail since 25.02.2020 and the petitioner has no criminal antecedent.

Learned A.P.P. for the State has though opposed the prayer for regular bail of the petitioner.

Considering the facts and circumstances of the case wherein it is the submission of learned counsel for the petitioner that it is a case of false implication of the petitioner, nothing incriminating has been recovered from his possession and he has no concern with the seized liquor and the liquor has been recovered from the Anganbari Centre not from the house of the petitioner as also that petitioner has no concern with the community centre of the village where the liquors were allegedly being sold and that the petitioner is in jail since 25.02.2020, he has no criminal



antecedent, investigation against him is complete and there is no submission on behalf of the State that his release at this stage is in any way likely to interfere with the course of trial or tamper with the evidence, let the petitioner above named be released on bail in connection with Sheikhpura (Sirari O.P.) P.S. Case No. 80 of 2020 (Excise Case No. 91/2020) on furnishing of bail bond of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge (Excise Act), Sheikhpura, 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.

This application is allowed.

(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'.

