

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18202 of 2020

Arising Out of PS. Case No.-303 Year-2019 Thana- BRAHMPUR District- Buxar

BATESHWAR NONIYA @ BAITRI @ BATESHWAR PRASAD S/o Late
Chhathu Noniya R/o Village-Noniyapur, P.S.-Krishna Braham, District-Buxar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajiv Ranjan Kr. Pandey

For the Opposite Party/s : Mr. Ashok Kumar

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 14-05-2020 The present petition has been taken up for consideration through the mode of Video conferencing in view of the prevailing lock-down on account of COVID 19 Pandemic, requiring social distancing.

Heard Shri Rajiv Ranjan Kumar Pandey, the learned counsel appearing for the petitioner and Shri Ashok Kumar, the learned A.P.P. appearing for the State.

The petitioner seeks regular bail in connection with Brahmpur P.S. Case No. 303 of 2019 for the offence punishable under Section 30(a) of the Bihar Excise (Amendment) Act, 2018.

The allegation of the prosecution is regarding recovery of 47.6 liters of illicit liquor from a sack which is alleged to have been thrown at the railway station by the



accused persons, while they were fleeing away.

The learned counsel for the petitioner has submitted that the petitioner is innocent and has been falsely implicated in the present case. It is further submitted that though the petitioner is an accused in one other case but he is on bail in the said case. Lastly, it is submitted that the petitioner is having a clean antecedent and is languishing in custody since 21.12.2019.

Per contra, the learned APP appearing for the State has submitted that the petitioner is named in the FIR and there is specific allegation against him.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner and taking into account the fact that the petitioner is languishing in custody since 21.12.2019, I deem it fit and proper to direct for release of the petitioner on bail upon him furnishing personal bond to the satisfaction of learned Additional District Judge-II-cum-Special Judge, Excise Act, Buxar in connection with Brahmpur P.S. Case No. 303 of 2019.

It is further directed that once the lock-down is over



and normal situation is restored, the petitioner, above named, shall furnish bail bonds of a sum of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each, within a period of four weeks, to the satisfaction of learned Additional District Judge-II-cum-Special Judge, Excise Act, Buxar in connection with Brahmpur P.S. Case No. 303 of 2019, failing which the present privilege of bail being extended to the petitioner shall stand revoked automatically.

The present petition stands allowed.

(Mohit Kumar Shah, J)

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