

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.19299 of 2020**

Arising Out of PS. Case No.-46 Year-2020 Thana- MIRGANJ District- Gopalganj

Satish Vishwakarma, S/o Late Bhagwan Vishwakarma, R/o village- Tilauli @
Dilhari, P.S.- Khukhund, District- Deoria, Uttar Pradesh

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

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

For the Opposite Party/s : Mr.Aditya Narayan Singh.1, 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 Mirganj P.S. Case No. 46/2020

registered for the offences punishable under Section

30(a)/37 (b) of the Bihar Prohibition and Excise Act, 2016

(for short the 'Excise Act').

Learned counsel for the petitioner submits that the

illicit liquor has not been recovered from the possession of

the petitioner and he was arrested only because he was



seated on the motorcycle, even though the motorcycle does not belong to the petitioner. Learned counsel submits that in the impugned order itself it has come that the motorcycle from which illicit liquor were recovered belonged to co-accused Mukesh Kumar Yadav and Nizamuddin Ansari as also that the petitioner is in custody since 24.02.2020, he has no criminal antecedent and investigation against him is complete.

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 the illicit liquor has not been recovered from the possession of the petitioner and that he was arrested only because he was seated on the motorcycle, even though the motorcycle does not belong to the petitioner and in the impugned order itself it has come that the motorcycle from which illicit liquor were recovered belonged to co-accused Mukesh Kumar Yadav and Nizamuddin Ansari as also that the petitioner is in custody since 24.02.2020, he has no criminal antecedent, investigation against him is complete



and there is no submission on behalf of the State that the release of the petitioner at this stage is likely to interfere with the course of trial or may tamper with the evidence, let the petitioner above named be released on bail in connection with Mirganj P.S. Case No. 46/2020 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 Additional District & Sessions Judge, Gopalganj, Bihar, 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'.

