

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.17359 of 2020**

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Gautam Kumar @ Subhash Kumar aged about 30 years (male) son of Vijay Mandal, R/o village- Narayanpur, P.S.- Sultanganj, District- Bhagalpur
... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr. Devendra Kumar Pandey, Advocate
For the Opposite Party/s : Md. Awadhesh Kumar Singh, 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 Sultanganj P.S. Case No. 228 of 2019 registered for the offence punishable under Section 30(a) of Bihar Prohibition and Excise Act, 2016.

It is the case of the petitioner that the alleged recovery or illicit liquor has been made from a toilet situated 50 yard away from his house and there is no independent witness to such seizure. It is his further case that the toilet is in abandoned condition and any one can use the same for the wrong purpose. The petitioner is in custody since 08.12.2019 having no criminal antecedent and investigation against him is complete.



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 facts and circumstances of the case wherein it is the case of the petitioner that alleged illicit liquor has been recovered from toilet situated 50 yard away from his house, he is in custody since 08.12.2019 having no criminal antecedent, 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 Sultanganj P.S. Case No. 228 of 2019 on furnishing of bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each (one of them will be the local surety) to the satisfaction learned Additional Sessions Judge II-cum-Special Judge, Excise Act, Bhagalpur, 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'.

