

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.19293 of 2020**

Arising Out of PS. Case No.-5 Year-2020 Thana- PIRI BAZAR District- Lakhisarai

1. UMESH YADAV Son of Baiju Yadav Resident of Village- Lahsorba, P.S.- Piri Bazar, District- Lakhisarai.
2. Ravindra Yadav @ Rabo Yadav Son of Baiju Yadav Resident of Village- Lahsorba, P.S.- Piri Bazar, District- Lakhisarai.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

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

For the Opposite Party/s : Mr.Ram Sevak Choudhary, APP

**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 petitioners and learned APP for the State.

The petitioners in the present case are seeking regular bail in connection with Piri Bazar P.S. Case No. 05 of 2020 registered for the offences punishable under Section 30 (a) of Bihar Prohibition & Excise Act.

Learned counsel for the petitioners submits that the petitioners have falsely been implicated in this case. There is no recovery of illicit liquor from their conscious possession. No one has seen the petitioners on spot. They are in custody since 19.01.2020 and investigation against them is complete and there is



no chance of tampering with the evidence if the petitioners are released on bail.

Learned APP for the State has opposed the prayer for regular bail of the petitioners.

Considering the facts and circumstances of the case wherein it is the submission of learned counsel for the petitioners that the alleged recovery of 25 liters of illicit liquor has not been made from conscious possession of the petitioners and no body had seen the petitioners on the spot nor the petitioners had any knowledge about the present case and further submission that the petitioners are in custody since 19.01.2020, the investigation against them is complete and there is no chance of tampering with prosecution evidence or interfere with the course of trial, let the petitioner above named be released on bail in connection with Piri Bazar P.S. Case No. 05 of 2020 on furnishing of bail bonds of Rs. 25,000/- (twenty five thousand) each with two sureties of the like amount each to the satisfaction learned A.D.J. 2nd cum Special Judge (Excise), Lakhisarai, 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 he



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 they 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 allowed.

(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'.

