

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.19119 of 2020**

Arising Out of PS. Case No.-152 Year-2019 Thana- GOVERNMENT OFFICIAL COMP.
District- Saharsa

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NITISH KUMAR Son of Sri Devendar Prasad Bhagat Resident of Teliyahat
Ward No. 16 PO and P.S. - Salkhua, District Saharsa, Bihar.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Ratan Kumar Sinha, Advocate

For the Opposite Party/s : Mr.Pushpa Sinha, APP

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**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 05-06-2020 This application has been placed for

consideration by the order of the Hon'ble the Chief Justice

through virtual court proceeding.

Heard learned counsel for the petitioner and

learned APP for the State.

This application has been filed for grant of

regular bail in connection with Salkhua Special (Excise)

Case No. 534 of 2019 registered for the offences punishable

under Section 30(a) of Bihar Prohibition and Excise Act

2016.

Earlier the petitioner has moved this Court in Cri.

Misc. Case No. 83433 of 2019 for grant of regular bail but



the same was rejected by this Court vide order dated 08.01.2020 after noticing that he had indulge in similar offence despite being on bail in few other cases and he was in custody only since 30.10.2019. The petitioner was also granted liberty to renew his prayer for regular bail after a lapse of considerable period.

Learned APP for the State is present and has opposed the prayer for regular bail of the petitioner, however considering the facts and circumstances of the case wherein the petitioner is now renewing his prayer for bail after a lapse of considerable period and he has remained in custody for over seven months in connection with this case, let the petitioner above named be released on bail on furnishing of bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise Act, Saharsa in connection with Salkhua Special (Excise) Case No. 534 of 2019, 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, 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.

The application is allowed.

(Rajeev Ranjan Prasad, J)

SUSHMA2/Arvind

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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'.

