

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.21089 of 2020**

Arising Out of PS. Case No.-559 Year-2019 Thana- SHERGHATI District- Gaya

MANISH KUMAR Son of Vijay Lal Resident of Village - Dobhi, P.S.-
Dobhi, Distt.- Gaya. (Owner of four wheelers vehicle reg. No.BR02AN0005)

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar

For the Opposite Party/s : Mr.Pramod Kumar Pandey

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

2 29-06-2020 Learned counsel for the petitioner undertakes to

remove the defects, if any, within three weeks from the date of

start of normal functioning of the Court.

Heard learned counsel for the petitioner and learned

APP for the State.

The petitioner in the present case is seeking regular

bail in connection with Sherghati (Dobhi) P.S. Case No.559 of

2019 registered for the offences punishable under Section

Section 30(a) of Bihar Prohibition and Excise Act 2016 and

Sections 25(1-b)a/26 of the Arms Act.

Learned counsel for the petitioner submits that the

petitioner is innocent and has falsely been implicated in the

present case. It is stated that nothing incriminating has been



recovered from the conscious possession of the petitioner and the petitioner has no criminal antecedent. Petitioner is in custody since 28.11.2019.

Learned APP for the State is present and has opposed the prayer for regular bail of the petitioner.

Having regard to the facts and circumstances of the case that the petitioner has remained in custody since 28.11.2019 and earlier his prayer for regular bail was rejected with on observation that he may renew his prayer for bail once the charge has been framed or he has remained in custody for six months, now that the petitioner has remained in custody for 7 months having no criminal antecedent, 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 Excise Judge, Gaya in connection with Sherghati (Dobhi) P.S. Case No.559 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, oft



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 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)

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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'.

