

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.21022 of 2020**

Arising Out of PS. Case No.-128 Year-2020 Thana- GOVERNMENT OFFICIAL COMP.
District- Gaya

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JAINUL MIYAN @ JAINUL Son of Md. Juman Miyan Resident of Village -
Charka Khurd, Khamaini, P.S.- Paratapur, Distt.- Chatra (Jharkhand).

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Gajendra Kumar Singh, Advocate

For the Opposite Party/s : Mr. Anil Kumar Singh, APP

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

2 26-06-2020 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 Excise Case No. 128 of 2020 registered

for the offence punishable under Section 30(A) of the Bihar

Prohibition and Excise Act, 2018.

Learned counsel for the petitioner submits that the

petitioner is innocent and has falsely been implicated in this

case. Learned counsel submits that the petitioner was the co-

passenger on the Tempo from which the illicit liquor is said to

have been recovered. The petitioner has no criminal antecedent



and he is in custody since 03.03.2020.

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

Having regard to the facts and circumstances of the case wherein it is noticed that the petitioner was allegedly sitting in the Tempo from which the illicit liquor was recovered but the Tempo does not belong to the petitioner, he claims to be co-passenger of the Tempo and has remained in custody for three and half months as also that he has 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 Judge, Excise Act, Gaya in connection with Excise Case No. 128 of 2020, 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.

The 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'.

