

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.21247 of 2020**

Arising Out of PS. Case No.-102 Year-2020 Thana- BUXAR District- Buxar

RADHESHYAM MALI Son of Late Pradip Mali Resident of Village -
Budhanpurwa, Syndicate, Ward No.6, Buxar, P.S.- Buxar (Town), District -
Buxar.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Anil Kumar Roy, Advocate

For the Opposite Party/s : Mr.Akhileshwar Dayal, APP

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

2 30-06-2020 Learned counsel for the petitioner undertakes to

remove all the defects pointed out by office within three weeks

after 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 Buxar (Town) P.S. Case No. 102 of
2020, CIS-314/2020 registered for the offences punishable
under Sections 30(a) and 37(2) of Bihar Prohibition Excise
(Amendment) Act 2018.

Learned counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in the
present case. It is stated that the petitioner is not the owner of
the car from which illicit liquor is said to have been recovered,



he has no criminal antecedent and he is in custody since 29.02.2020.

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, the petitioner is said to have been in custody since 29.02.2020, he has no criminal antecedent and he is not the owner of the car as being claimed by him, 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 Additional District and Sessions Judge II cum Special Judge, Excise, Buxar in connection with Buxar (Town) P.S. Case No. 102 of 2020, CIS-314/2020, 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.

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'.

