

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.21260 of 2020**

Arising Out of PS. Case No.-101 Year-2020 Thana- LALIT NARAYAN UNIVERSITY
District- Darbhanga

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PREM PASWAN S/o Parmeshwar Paswan Resident of Village- Bela Shankar,
P.S.- L.N.M.U., District- Darbhanga.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

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

For the Opposite Party/s : Mr.Damodar Prasad Tiwary, APP

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**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 the officer 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 L.N.M.U. P.S. Case No. 101 of 2020

registered for the offences punishable under Sections

272/273/34 of the Indian Penal Code and Section 30(a) of Bihar

Prohibition and Excise Act.

Learned counsel for the petitioner submits that the

petitioner is innocent and has falsely been implicated in the

present case. It is submitted that the illicit liquor has not been

recovered from the conscious possession of the petitioner and he



is in custody since 03.05.2020 and he has no criminal antecedent.

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 submitted that there is no recovery from the house of the petitioner and the alleged recovery is said to have taken place from the House of one Gandhi Mandal, the petitioner is in custody since 03.05.2020, let the petitioner above named be released on bail on completion of the investigation or three months of custody whichever is earlier on furnishing bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned A.D.J. II cum Special Judge, Excise Act Darbhanga in connection with L.N.M.U. P.S. Case No. 101 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.

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'.

