

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.21083 of 2020**

Arising Out of PS. Case No.-24 Year-2020 Thana- RAJPUR District- Rohtas

SANDIP JAYASAVAL Son of Virendra Jayasaval Resident of Village - and
P.S.- Rajpur, Distt.- Rohtas.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Siddharth Harsh, Adv.

For the Opposite Party/s : Mr.Tarun Prasad Mandal, APP

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

3 24-08-2020 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 Rajpur P.S. Case No.24/2020 registered for the
offences punishable under Section 30(a) of the Bihar Prohibition
and Excise Act, 2016.

Learned counsel for the petitioner submits that
although as per allegations in the First Information Report the
illicit liquor has been recovered from a cartoon kept on the
roadside and from the said place the petitioner while trying to flee
away was caught by the patrolling party but the submission of the
learned counsel for the petitioner is that the petitioner has been
made accused in the present case only because of his antecedent.
Learned counsel submits that there is no recovery of illicit liquor



from the house or from the person of the petitioner and save and except the police personnel there is no independent witness to support the allegations made against the petitioner.

It is further submitted that the petitioner is on bail in all the previous cases as stated in paragraph '3' of the application.

Learned APP for the State has though opposed the prayer for regular bail of the petitioner, however, considering the facts and circumstances of the case and on going through the case diary having noticed that in course of investigation only the statement of police personnel who are the members of the patrolling party have been recorded in the case diary and there is no independent witness as also that it is the submission of the petitioner that only because of his criminal antecedent he has been made accused in this case though recovery is not from his house or from his conscious possession and that he is in custody for more than six months in connection with this case, let the petitioner above named be released on bail on furnishing of bail bond of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned 2nd Additional District and Sessions Judge-cum-Special Judge, Excise, Rohtas at Sasaram in connection with Rajpur P.S. Case No.24/2020, 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.

(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'.

