

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.20616 of 2020**

Arising Out of PS. Case No.-58 Year-2018 Thana- NOKHA District- Rohtas

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DHANJEE MAHTO @ DHANJEE SINGH S/o Shri Bhagavan Singh @ Shri Bhagavan Mahto Resident of Village-Nawadih, P.S-Nokha, District-Rohtas at Sasaram.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

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

For the Opposite Party/s : Mr. Rampriya Sharan Singh, APP

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

2 25-06-2020 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 Nokha P.S. Case No. 58 of 2018 registered for the offences punishable under Section 30(a) of Bihar Prohibition and Excise Act, 2016.

Learned counsel for the petitioner submits that recovery of illicit liquor is not from conscious possession of the petitioner, he has no criminal antecedent and has remained in custody for almost five months.

Learned A.P.P. 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 the recovery of illicit liquor is not from conscious possession of the petitioner, he has no criminal antecedent and has remained in custody for almost five months, investigation against him is complete and there is no submission that his release at this stage is likely to interfere with the course of trial and further that co-accused similarly situated has been granted privilege of regular bail by learned coordinage Bench of this Court vide Annexure '2', 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 Sessions Judge – II – cum – Special Judge, Excise, Rohtas at Sasaram, District – Rohtas, in connection with Nokha P.S. Case No. 58 of 2018, 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, of 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)

Rajeev/-

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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'.

