

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
(FROM COURT'S CHAMBERS VIA VIDEO APPLICATION)  
CRIMINAL MISCELLANEOUS No.26242 of 2020**

Arising Out of PS. Case No.-42 Year-2020 Thana- BACHHWARA District- Begusarai

VIKASH RAI S/o Shri Kishun Rai R/o Village- Gopalpur, Ward No.- 10,  
P.S.- Bachhawara, District- Begusarai.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

**Appearance :**

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

For the Opposite Party/s : Mr.Sanjay Kumar Tiwari, APP

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

2      13-10-2020      Learned counsel for the petitioner undertakes to remove all the defects pointed out by Stamp Reporter within three weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr. Sanjay Kumar Tiwari, learned APP for the State.

The petitioner in the present case is seeking regular bail in connection with Bachhbara P.S. Case No. 42 of 2020 registered for the offences punishable under Section 30(a) of Bihar Prohibition and Excise Act 2016.

Learned counsel for the petitioner submits that as per allegations the recovery of illicit liquor has been made from the roof of the house. It is his submission that the house is in joint possession of the petitioner and his co-sharers and that the petitioner has no concern with the alleged illicit liquors.

Learned counsel has further submitted that the petitioner



is in custody since 06.03.2020 and is not having any criminal antecedent.

Learned APP for the State has though opposed the prayer for regular bail of the petitioner but considering the facts and circumstances of the case, wherein the recovery is said to have been made from the roof of the house and the petitioner has got no criminal antecedent, he is in custody since 06.03.2020, investigation against him is complete and there is no submission on behalf of the State that release of the petitioner at this stage is likely to interfere with the course of trial, let the petitioner above-named be released on bail on furnishing bail bond 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, Begusarai, in connection with Bachhawara P.S. Case No. 42 of 2020 subject to the condition as laid down under Section 437 (3) 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.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take steps for cancellation of bail bond 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'.

