

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM COURT'S CHAMBERS VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.26235 of 2020**

Arising Out of PS. Case No.-30 Year-2020 Thana- KATEYA District- Gopalganj

SURAJ PRASAD KAMKAR Son of Kashi Prasad Kamkar @ Kashi Prasad
Resident of Village - Barachap (Bara Chanp), P.S.- Kateya, District -
Gopalganj

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Satyendra Rai, Advocate
For the Opposite Party/s : Mr.Akhileshwar Dayal, 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. Akhileshwar Dayal, learned APP for the State.

The petitioner in the present case is seeking regular bail in connection with Kateya P.S. Case No. 30 of 2020 registered for the offences punishable under Section 30(a) of Bihar Prohibition and Excise Act 2016 and Amendment Act 2018.

As per allegations the petitioner was apprehended while trying to flee away as his motorcycle loaded with country-made liquor was seized and on chase later on the petitioner was arrested.

It is the submission of the petitioner that he has no concern with the liquor or the motorcycle in question and in fact he has been picked up from his house and dragged in this case at the



behest of his agnate who is the informer of the police. The petitioner claims in paragraph '3' of the petition that he has no criminal antecedent and is in jail since 05.02.2020 and at this stage there is no chance of his absconding or tampering with the evidence.

Mr. Akhileshwar Dayal, learned APP for the State has though opposed the prayer for regular bail of the petitioner but on going through the submissions made by the petitioner and upon noticing that the petitioner has got no criminal antecedent, he is in jail since 05.02.2020 and at this stage there is no submission on behalf of the State that release of the petitioner is in any way 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 District and Sessions Judge II-cum-Special Judge, Excise, Gopalganj, in connection with Kateya P.S. Case No. 30 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'.

