

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM COURT'S CHAMBERS VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.26238 of 2020**

Arising Out of PS. Case No.-17 Year-2020 Thana- DHANKUND District- Banka

KAILASH YADAV Son of Fucho Yadav @ Fuchcho Yadav Resident of
Village- Saino, P.S.- Jagdishpur, District- Bhagalpur.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Brij Nandad Prasad, 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 Dhankund P.S. Case No. 17 of 2020 registered for the offences punishable under Sections 30(a), 32(2) of Bihar Prohibition and Excise Act, 2016.

Learned counsel for the petitioner submits that the petitioner was arrested while moving on the motorcycle and it is alleged that 72 bottles of 300ml each containing illicit liquor were recovered from the possession of the petitioner. Learned counsel submits that the entire seizure alleged suffers from violation of the mandatory provision of Section 100 Cr.P.C., therefore, the very



genuineness of the seizure list in doubt. It is his further submission that the petitioner is languishing in jail since 20.02.2020 and he has otherwise no criminal antecedent.

Learned APP for the State has opposed the prayer for regular bail of the petitioner but considering the facts and circumstances of the case, wherein the petitioner has no criminal antecedent and is in jail since 20.02.2020, investigation against him is complete and it is not the submission of the State that release of this petitioner at this stage 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 Sessions Judge-II, Banka, in connection with Dhankund P.S. Case No. 17 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'.

