

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.21364 of 2020**

Arising Out of PS. Case No.-186 Year-2020 Thana- KADAMKUAN District- Patna

KARSH KUMAR @ KUNDAN KUMAR Son of Ram Birendra Rai Resident of Village/ Mohallah- Mahuabag Dhanaut, P.S.- Rupaspur, District- Patna (Bihar).

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Rakesh Kumar, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 01-07-2020 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 Mr. Abhay Kumar, learned APP for the State.

The petitioner in the present case is seeking regular bail in connection with Kadamkuan P.S. Case No. 186 of 2020 (Special Case No. 3441 of 2020) registered for the offences punishable under Sections 120(B) & 420 of the Indian Penal Code and Section 30(a) of Bihar Prohibition and Excise Act, 2018.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the



present case. It is submitted that the petitioner was arrested on the Scorpio vehicle but nothing incriminating was recovered from his possession. The petitioner has no criminal antecedent and has remained in custody since 13.05.2020.

Learned APP 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 the submission of learned counsel for the petitioner that the petitioner was arrested on the Scorpio vehicle but nothing incriminating was recovered from his possession, the seizure has not been made in terms of Section 100 Cr.P.C., the petitioner has no criminal antecedent and has remained in custody in connection with this case since 13.05.2020, let on completion of the investigation and submission of chargesheet or on completion of three months of custody whichever is earlier, the petitioner be released on bail on furnishing bail bonds of Rs.25,000/- (Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge Excise, Patna in connection with Kadamkuan P.S. Case No. 186 of 2020 (Special Case No. 3441 of 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.

This application is allowed.

(Rajeev Ranjan Prasad, J)

SUSHMA2/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'.

