

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.21344 of 2020**

Arising Out of PS. Case No.-36 Year-2020 Thana- DERNI BAZAR District- Saran

RAKESH KUMAR SINGH @ RAKESH SINGH Son of Tarkeshwar Singh
Resident of Village - Lohachha, P.S.- Derni, District - Saran.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Rabindra Kumar Tiwari, Advocate

For the Opposite Party/s : Ms. Sharda Kumari, 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 learned APP for the State.

The petitioner in the present case is seeking regular bail in connection with Derni P.S. Case No. 36/2020 registered for the offences under Sections 30/30(A) of the Bihar Prohibition and Excise Act, 2016.

Learned counsel for the petitioner submits that petitioner has been falsely implicated in this case, nothing has been recovered from the conscious possession of this petitioner, he has no concern with the alleged recovery or with the Banswari from where recovery has been shown. Learned



counsel submits that petitioner has got no criminal antecedent and he is in custody since 30.03.2020.

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 petitioner has no criminal antecedent and has remained in custody for more than three months, investigation against him is complete and it is his submission that the seized articles were not recovered from his conscious possession and he has no concern with the recovered article or with land or Banskari, let the petitioner above-named 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 2nd Additional Sessions Judge – cum – Special Judge, Excise, Saran in connection with Derni P.S. Case No. 36/2020, subject to the conditions as laid down under Section 437(3) of the Cr.P.. 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



he 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'.

