

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.23142 of 2020**

Arising Out of PS. Case No.-660 Year-2019 Thana- LAKHISARAI District- Lakhisarai

SUNIL KUMAR S/o Late Ganga Prasad Sah Resident of Purani Bazar,
Lakhisarai, Near Yoga Hotel, P.S.- Lakhisarai, Distt- Lakhisarai.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

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

For the Opposite Party/s : Mr. Choubey Jawahar, APP

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

4 07-10-2020 Learned counsel for the petitioner undertakes to remove all the defects pointed by the Stamp Reporter within three weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr. Choubey Jawahar, learned A.P.P. for the State.

Petitioner in his second attempt before this Court is seeking regular bail in connection with Lakhisarai P.S. Case No. 660 of 2019 registered for the offences punishable under Section 30(a) of the Bihar Prohibition of Excise Act, 2018.

Earlier the prayer for regular bail of the petitioner was rejected considering that while on bail in a case of similar nature he has involved in the present case. However, it is the submission of learned counsel for the petitioner that this Court had very well observed to this effect that the prayer for bail is being rejected at this stage in view the custody of the petitioner since 17.11.2019.



This Court had granted liberty to the petitioner to renew his prayer for bail after a reasonable period.

Submission is that the petitioner has remained another nine months in custody after rejection of the earlier prayer for bail of the petitioner. Hence, considering this aspect of the matter, this Court may release the petitioner on bail to such terms and condition which may be imposed against him for securing his appearance.

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 and the submission of learned counsel for the petitioner based on the previous order of this Court and the period of custody now, this Court is inclined to grant privilege of regular bail to the petitioner. Let the petitioner above named be enlarged 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 Additional District & Session Judge-cum-Special Judge (Excise), Lakhisarai in connection with Lakhisarai P.S. Case No. 660 of 2019, 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.

With further condition that the petitioner will present himself in course of trial on each and every date fixed in the matter and two consecutive failure in appearing in course of trial without there being an order of the learned trial court granting him exemption from appearance, his bail bond in the present case shall be liable to be cancelled and the court below shall do the same.

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.

This application stands disposed of.

(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'.

