

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.22198 of 2020**

Arising Out of PS. Case No.-483 Year-2019 Thana- BEGUSARAI MUFFASIL District-
Begusarai

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ROHIT KUMAR Son of Sri Niwas Sharma Resident of Village - Pattapur,
P.S. - Mufassil, District - Begusarai.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Ansul, Advocate

For the Opposite Party/s : Md. Mustaq Alam, A.P.P.

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

2 24-08-2020 Learned counsel for the petitioner undertakes to

remove the defects, as pointed out by office, within four weeks

after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Md.
Mustaq Alam, learned A.P.P. for the State.

Petitioner, in the present case, is seeking regular bail
in connection with Begusarai Muffasil (Singhaul) P.S. Case No.
483/2019 registered for the offence under Section 414/120B of
the Indian Penal Code and Section 30(a) of Bihar Prohibition
and Excise (Amendment) Act, 2018.

Mr. Ansul, learned counsel for the petitioner, submits
that in fact on the same day two cases were lodged against the
petitioner. It was alleged that 46 cartoons of illicit liquors were
recovered from the petitioner and co-accused Jitender Kumar in



course of raid conducted by police for which Begusarai Muffasil P.S. Case No. 482/2019 was lodged under Sections 414, 120B of the Indian Penal Code and Section 30 (a) of the Bihar Prohibition and Excise Act, 2016. It is submitted that in the said case petitioner is on bail.

Learned counsel submits that in course of the said case on the basis of the statements made by the petitioner and the co-accused, it is alleged that a container loaded with illicit liquors was intercepted and illicit liquors kept in 299 cartoons were seized. Allegations have been made against the petitioner and the co-accused that they are involved in the liquor business. It is submitted that for this seizure a separate case was lodged being Begusarai Muffasil (Singhaul) P.S. Case No. 483/2019 under the same provisions in which the petitioner is seeking bail. Earlier the prayer for bail of the petitioner was rejected vide order dated 13.01.2020, however it is submitted that now the petitioner has remained in custody for almost one year in connection with this case and that considering the period of custody as also that the trial of the case is not likely to be concluded in near future, further incarceration of the petitioner is neither in aid of investigation or to help the trial.

Learned A.P.P. for the State has though opposed the



prayer for regular bail, but considering the facts and circumstances of the case particularly that now the petitioner is in custody for about one year and further incarceration of the petitioner is not likely to help the trial, let the above-named petitioner be released on bail on furnishing bail bonds of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge IInd – cum – Special Judge, Excise Act, Begusarai, in connection with Begusarai Muffasil (Singhaul) P.S. Case No. 483/2019, 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.

(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'.

