

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.27258 of 2020**

Arising Out of PS. Case No.-108 Year-2020 Thana- BAGHA District- West Champaran

JAY PRAKASH YADAV @ J. P. Son of Nathu Yadav Resident of Village -
Parorahi Rampur Barahan, Police Station - Barwapatti, District - Kushinagar
(U.P.)

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Mr. Bashisth Narayan Mishra, Advocate
	:	Mr. Sachida Nand Rai, Advocate
For the Opposite Party/s	:	Mr. Bharat Bhushan, APP

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

2 19-10-2020 Learned counsel for the petitioner undertakes to remove all the defects pointed out by the Stamp Reporter within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr. Bharat Bhushan, learned APP for the State.

The petitioner in the present case is seeking regular bail in connection with Bagaha P.S. Case No. 108 of 2020 registered for the offences punishable under Sections 414/34 of the Indian Penal Code and Section 33 of the Bihar Prohibition & Excise Act, 2016.

Learned counsel for the petitioner submits that the petitioner has been arrested with an allegation that he was driving the Bolero vehicle and from the said vehicle 300 liters of spirit has been recovered kept in plastic gallon.

Learned counsel submits that the petitioner is a poor



driver and he was on monthly remuneration only without being aware of any such legal implication as it was spirit so the petitioner would not have sensed that it may be covered under the Prohibition and Excise Act. Learned counsel further submits that the petitioner is in custody since 25.02.2020 having no criminal antecedent.

Mr. Bharat Bhushan learned APP for the State has though opposed the prayer for regular bail but considering the facts and circumstances of the case and that the petitioner has remained in custody for eight months, 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 Special Judge, Excise, Bettiah in connection with Bagaha P.S. Case No. 108 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'.

