

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.27286 of 2020**

Arising Out of PS. Case No.-354 Year-2020 Thana- GOVERNMENT OFFICIAL COMP.
District- Patna

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MD. ZIYAUDDIN Son of Late Md. Shabuddin Resident of Village - Saidpur
Ganesh, P.S.- Biddupur, District - Vaishali.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Amit Kumar Anand, Advocate

For the Opposite Party/s : Ms. Rina Sinha, APP

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**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 Ms. Rina
Sinha, learned APP for the State.

The petitioner in the present case is seeking regular bail in
connection with Special Case No. 1964 of 2020 arising out of
Prosecution Report No. 354 of 2020 registered for the offences
punishable under Sections 30(a) and 41(1) (2) of the Bihar Excise
(Amendment) Act, 2016.

Learned counsel for the petitioner submits that the
petitioner is the driver of the vehicle from which 576.360 liters of
illicit liquor is said to have been recovered by the Excise officials in
course of vehicle checking on the basis of confidential report.



Learned counsel for the petitioner submits that the petitioner has falsely been implicated in this case. It is further submitted that the petitioner is in custody since 26.02.2020 having no criminal antecedent.

Ms. Rina Sinha, learned APP for the State has though opposed the prayer for regular bail of the petitioner but considering the fact that the petitioner is in custody since 26.02.2020 and otherwise having no criminal antecedent, 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), Patna in connection with Special Case No. 1964 of 2020 arising out of Prosecution Report No. 354 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'.

