

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.27950 of 2020**

Arising Out of PS. Case No.-36 Year-2020 Thana- SAHIYARA District- Sitamarhi

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ALOK @ ALOK SINGH @ KANHAI SINGH @ KANHAI KUMAR S/o
Lal Munindra Singh Resident of Village-Belahi Khurd, P.S.-Sahiyara,
District-Sitamarhi.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

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

For the Opposite Party/s : Mr. Sanjay Kr. Pandey, APP

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

2 02-11-2020 Learned counsel for the petitioner undertakes to remove all 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 Mr. Sanjay Kumar Pandey, learned A.P.P. for the State.

Petitioner, in the present case, is seeking regular bail in connection with Sahiyara P.S. Case No. 36/2020 registered for the offence under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

Learned counsel for the petitioner submits that as per the allegations in the F.I.R. the illicit liquor of 171 liters has been recovered from the house of the petitioner, however it is submitted that the place from where the liquor has been recovered is near the stairs of the house and it cannot be said to be a recovery from the conscious possession of the petitioner, the house is said to be a joint house of the family where the petitioner is residing with his uncle and other cousin. It is lastly submitted that the petitioner is in judicial custody in connection with this case since 09.05.2020, investigation against him is



complete, he has no criminal antecedent and if released on bail he would be ready to abide by such terms and conditions which may be imposed for the purpose of bail.

Mr. Sanjay Kumar Pandey, learned A.P.P. for the State has though opposed the prayer for regular bail of the petitioner.

Considering the facts and circumstances of the case wherein petitioner has remained in judicial custody for almost six months, he has no criminal antecedent and he is ready to abide by such terms and conditions which may be imposed for purpose of bail as also that there is no submission on behalf of the State that release of the petitioner at this stage is in any way likely to interfere with the course of trial, let the petitioner above named be released on bail on furnishing of bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned learned A.D.J. - II – cum – Special Judge, Excise Act, Sitamarhi, in connection with Sahiyara P.S. Case No. 36/2020, 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 the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner have concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner.

And further condition that they will abide by and observe the guidelines and directives of the Government of India and the State Government with regard to COVID-19 Pandemic.

The application stands 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'.

