

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.27961 of 2020**

Arising Out of PS. Case No.-43 Year-2020 Thana- NOKHA District- Rohtas

PRAMOD KUMAR SINGH S/o Late Brahma Singh Resident of Village-
Barej, P.S.-Mohaniya, District-Kaimur (Bhabhua).

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Mr. Y.V. Giri, Sr. Advocate Mr. Shambhu Nath, Advocate
For the Opposite Party/s	:	Mr. Lalan Kumar, APP

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

4 15-12-2020 Heard learned Senior Counsel for the petitioner and Mr.
Lalan Kumar, learned APP for the State.

The petitioner in the present case is seeking regular bail in connection with Nokha P.S. Case No. 43 of 2020 registered for the offences punishable under Sections 30(a) and 52 of Bihar Prohibition and Excise (Amendment) Act, 2018 and 120(B) of the Indian Penal Code.

Learned Senior Counsel for the petitioner submits that the petitioner has been brought within the purview of investigation and later on has been chargesheeted in connection with Nokha P.S. Case No. 43 of 2020 registered on 19.03.2020 under Sections 30(a) and 52 of Bihar Prohibition and Excise (Amendment) Act, 2018 read with Section 120(B) of the Indian Penal Code. Learned Senior Counsel submits that from the seizure list attached to the FIR (Annexure '1') it would appear that police had seized 86 and 129 liters of illicit



liquor from the two vehicles mentioned in the seizure list. Some persons were named in the FIR. In course of investigation of the said case, it is alleged that a mobile phone has been recovered from the possession of this petitioner who was posted as Sub-Inspector of Police in Nokha Police Station and it has been found that this petitioner was in touch with the named accused Sonu @ Vikas Yadav and the allegation against the petitioner is that he was helping the traders dealing in illicit liquor in safe unloading of the liquors.

Learned Senior Counsel submits that from the enclosures such as Annexure '2' which are the copies of FIR it would appear that this petitioner being a police officer had seized illicit liquors and had himself lodged some of the police cases because of which the persons involved in the illicit liquor business had become inimical to this petitioner and they somehow wanted to falsely implicate him.

Learned Senior Counsel submits that this petitioner has himself seized huge quantity of illicit liquors during his posting at Nokha Police Station but now he is being implicated in this case on the basis of some mobile calls showing recovery of mobile of one person from the house of this petitioner. According to learned Senior Counsel it is nothing but fabrication of a case by showing recovery of mobile.

Learned Senior Counsel submits that for the same allegations a departmental proceeding was initiated against this petitioner and he has already been dismissed from service. In



connection with this case he has remained in jail for almost 9 months and the trial is not likely to be concluded in near future particularly considering the present pandemic situation in which the courts are not regularly sitting physically and there are many impediments in the way of trial. It is submitted that in any case the petitioner is ready and willing to abide by such terms and conditions which may be imposed upon him for purpose of securing his appearance in course of trial.

Learned APP for the State has opposed the prayer for regular bail of the petitioner. It is submitted that there are allegations against the petitioner that he was in touch with the named accused of the case and that he was helping him in safe unloading of the illicit liquor.

Having regard to the facts and circumstances of the case, wherein this Court has noticed that on recovery of a mobile phone from the house of the petitioner the petitioner has been brought within the purview of investigation, he has already been chargesheeted, in the departmental proceeding he has been dismissed from service and then has remained in jail for 9 months by now, the trial is not likely to be concluded in near future and at this stage there is no submission on behalf of the State that release of the petitioner would result in tampering with evidence or interfering with the course of trial and the petitioner being ready to abide by the terms and conditions of bail, let the petitioner above-named be released on



bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each, to the satisfaction of learned Additional District & Sessions Judge, II cum Special Judge Excise, Rohtas at Sasaram in connection with Nokha P.S. Case No. 43 of 2020 , 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, 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 step for cancellation of bail bond of the petitioner.

And further condition that the petitioner must appear in



course of trial on each and every date fixed in the matter and two consecutive defaults in putting appearance in course of trial shall lead to cancellation of his bail bond.

The application stands dispose of accordingly.

(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'.

