

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.27984 of 2020**

Arising Out of PS. Case No.-116 Year-2020 Thana- GOVERNMENT OFFICIAL COMP.
District- Jamui

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PRINCE KUMAR S/o Pramod Mahto Resident of Village-Srirampur Sanjat,
P.S.-Bhagwanpur, District-Begusarai.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Binod Kumar, Advocate
For the Opposite Party/s : Mr.Akhileshwar Dayal, APP

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

2 04-11-2020 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.
Akhileshwar Dayal, learned APP for the State.

Petitioner, in the present case, is seeking regular bail
in connection with Complaint Case No. 116C2/2020 registered
for the offence under Section 30(a) of Bihar Prohibition and
Excise Act, 2016.

Learned counsel for the petitioner submits that the
petitioner happens to be the driver of the vehicle from which the
illicit liquor has been allegedly recovered. learned counsel
submits that the entire prosecution story is false and it is a case
of false implication of the petitioner by preparing a seizure list



with the help of police personnel. There is no independent witness to the seizure list and no sample of the alleged seized illicit wine was drawn in presence of the petitioner. It is also submitted that the co-accused Shivam Kumar who was Khalasi of the vehicle has been granted privilege of regular bail vide order dated 22.06.2020 by the learned court below itself. This petitioner is in custody since 03.06.2020 and has got no criminal antecedent.

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 the petitioner has remained in custody since 03.06.2020, he has got no criminal antecedent and the co-accused who was arrested with the petitioner has been granted privilege of regular bail by learned court below itself, this court directs release of the petitioner 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 A.D.J. - IInd, Jamui in connection with Complaint Case No. 116C2/2020, 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 has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner.

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.

(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'.

