

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.29232 of 2020**

Arising Out of PS. Case No.-17 Year-2020 Thana- GOVINDPUR District- Nawada

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DHIRAJ KUMAR @ DHEERAJ PRASAD Son of Late Basant Ram Resident
of Village - Jhingnagar, P.S.- Bihar Sharif, District - Nalanda, Bihar- 803101
... .. Petitioner

Versus

THE STATE OF BIHAR Opposite Party

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Appearance :

For the Petitioner/s : Mr.Ashutosh Singh, Advocate

For the Opposite Party/s : Mr.Dinesh Singh, APP

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

2 11-11-2020 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. Dinesh Singh, learned APP for the State.

The petitioner in the present is seeking regular bail in connection with Govindpur P.S. Case No. 17 of 2020 registered for the offences punishable under Sections 30(a)/41 of the Bihar Prohibition & Excise Act.

Learned counsel for the petitioner submits that the petitioner is the driver of the pickup van from which it is alleged that 700 liters of raw spirit has been recovered.

Learned counsel for the petitioner submits that this petitioner has got no criminal antecedent and he is in custody in connection with this case since 03.02.2020, investigation against him is complete and if released on bail he would abide by the terms and



conditions which may be imposed by this Court for the purpose of grant of bail.

Learned APP for the State has though opposed the prayer for regular bail of the petitioner by submitting that there is recovery of huge quantity of spirit from the vehicle, however, considering the facts and circumstances of the case wherein the petitioner is the driver of the vehicle and having no criminal antecedent he has already remained in jail for over nine months and at this stage there is no submission on behalf of the State that his release at this stage is in any way likely to result in tampering with the evidence or interfering with the course of trial, 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 2nd Additional Sessions Judge-cum-Special Judge (Excise), Nawada in connection with Govindpur P.S. Case No. 17 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'.

