

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.29206 of 2020**

Arising Out of PS. Case No.-45 Year-2020 Thana- PANJWARA District- Banka

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LALAN KUMAR SINGH S/o Bipin Prasad Singh Resident of Village-
Tilakpur, P.S.-Rajoun, District-Banka, Bihar.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr. Pranav Kumar Jha, Advocate

For the Opposite Party/s : Mr. Bharat Lal, 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 Mr. Pranav Kumar Jha, learned counsel for the
petitioner and Mr. Bharat Lal, learned APP for the State.

The petitioner in the present case is seeking regular bail in
connection with Panjwara P.S. Case No. 45 of 2020 registered for the
offences punishable under Sections 30(a) and 32(2) of Bihar
Prohibition & Excise Act.

Learned counsel for the petitioner submits that the Aulto
car of the petitioner was taken away by one Prabhakar Yadav for
some personal work but it seems that the vehicle had been
intercepted allegedly with illicit liquor loaded in the vehicle. The
petitioner was not there in the vehicle and on a false pretext when he
was called by saying that his Aulto car has been seized by police, the
petitioner was arrested.



It is further submitted that as per allegations, on search of the Aulto Car 192 liters of illicit liquors have been recovered from the said car. Learned counsel submits that the petitioner was not arrested on the spot as he was not in the vehicle and that he has no criminal antecedent and remained in jail in connection with this case since 28.06.2020.

Learned APP for the State has though opposed the prayer for regular bail of the petitioner but considering the facts and circumstances of the case wherein the petitioner has not been arrested on the spot, he has no criminal antecedent and has remained in custody since 28.06.2020, there is no argument on behalf of the State that release of the petitioner at this stage is in any way likely to result in tampering with 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 Additional Sessions Judge II, Banka, in connection with Special Excise Case No. 333 of 2020 arising out of Panjwara P.S. Case No. 45 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'.

