

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM COURT'S CHAMBERS VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.26211 of 2020**

Arising Out of PS. Case No.-5 Year-2020 Thana- SUHAIL District- Gaya

1. RANJEET KUMAR S/o Vindeshwar Prajapat Resident of Village- Kahto, P.S.- Imamganj, District- Gaya.
2. Kaushlendra Kumar Yadav S/o Shankar Yadav R/o Village- Ramdohar, P.S.- Bhadwar, District- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sudhir Kumar Sinha, Adv.
For the Opposite Party/s : Mr.Rajendra Prasad Nat, APP

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

2 12-10-2020 Learned counsel for the petitioners undertakes to remove all the defects pointed out by Stamp Reporter within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioners and Mr. Rajendra Prasad Nat, learned APP for the State.

The petitioners in the present case are seeking regular bail in connection with Suhail P.S. Case No.05/2020 registered for the offence under Section 414 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

Learned counsel for the petitioners submits that as per the allegations when the patrolling party intercepted the motorcycle and conducted a search 75 liters each illegal Mahua wine has been recovered from both the petitioners. They were arrested and



motorcycle has been seized. Learned counsel submits that it is a case of false implication and the motorcycle in question does not belong to these petitioners.

It is further submitted that the petitioners are in jail in connection with this case since 01.05.2020, investigation against him is complete and if he released on bail there is no chance of indulging in tempering with the evidence or interfering with the course of trial and the petitioners have got no criminal antecedent.

On the other hand, 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 and that the petitioners are in jail since 01.05.2020, let the petitioners abovenamed be released on bail on furnishing bail bond of Rs.25,000 (twenty five thousand) each with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise, Gaya in connection with Suhail P.S. Case No.05/2020, 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 petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take steps for cancellation of bail bond of the petitioners.

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.

(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'.

