

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.30513 of 2020**

Arising Out of PS. Case No.-627 Year-2019 Thana- NARPATGANJ District- Araria

RAHUL RAJ S/o Anirudh Mandal Resident of Village-Dumariya Ward
No.13, P.S.-Narpatganj, District-Araria.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Anil Prasad Singh
For the Opposite Party/s : Mr.Akhileshwar Dayal, APP

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

2 12-11-2020 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. Akhileshwar Dayal, learned APP Incharge for the State.

The petitioner in his second attempt is seeking regular bail in connection with Narpatganj P.S. Case No. 627 of 2019 registered for the offences punishable under Sections 30(a) and 38(2) of the Bihar Prohibition & Excise Act.

Learned counsel for the petitioner submits that earlier prayer for regular bail of the petitioner was rejected vide order dated 20.01.2020 passed in Cr. Misc. No. 85921 of 2019 and liberty was granted to the petitioner to renew his prayer for bail after a reasonable period. It is submitted that the petitioner is in custody since 11.11.2019.



Learned APP for the State has opposed the prayer for regular bail of the petitioner.

Having regard to the facts and circumstances of the case wherein it has been noticed that this Court had earlier rejected the prayer for regular bail of the petitioner vide order dated 20.01.2020 passed Cri. Misc. No. 85921 of 2019 after noticing that he was in custody only since 11.11.2019 and the petitioner was given liberty to renew his prayer for bail after a reasonable period, at this stage when the petitioner has already remained in jail for one year as on today, 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-cum-Special Judge, Araria, in connection with Special Case No. 1553 of 2019 arising out of Narpatganj P.S. Case No. 627 of 2019, 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'.

