

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.30439 of 2020**

Arising Out of PS. Case No.-209 Year-2020 Thana- JOKIHAT District- Araria

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AMAN KUMAR @ KUNDAN KUMAR @ KUNDAN SAH S/o Ram
Swarath Sah Resident of Village-Supaul (Kariho), Ward No.12, Police Station
and District-Supaul.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Mrityunjay Kumar, Advocate

For the Opposite Party/s : Mr. Khurshid Anwar, APP

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

2 23-11-2020 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 learned

Mr. Khurshid Anwar, A.P.P. for the State.

Petitioner, in the present case, is seeking regular bail

in connection with Special Case No. 522 of 2020 arising out of

Jokihat P.S. Case No. 209 of 2020 registered for the offences

punishable under Section 30(a) of the Bihar Prohibition Excise

(Amendment) Act, 2018.

Learned counsel for the petitioner submits that this

petitioner is said to be the driver cum owner of the vehicle in

question from which illicit liquor has been allegedly recovered.

Learned counsel submits that petitioner is in jail since



24.06.2020 having no criminal antecedent.

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

Having regard to the facts and circumstances of the case wherein this petitioner is said to be the driver cum owner of the vehicle in question from which illicit liquor has been allegedly recovered but he has remained in jail since 24.06.2020, has otherwise no criminal antecedent and it is not the submission of the State that his release at this stage is 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 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 Additional District & Sessions Judge – II cum Special Judge, Araria, in connection with Special Case No. 522 of 2020 arising out of Jokihat P.S. Case No. 209 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 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'.

