

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.32627 of 2020**

Arising Out of PS. Case No.-195 Year-2020 Thana- KESARIA District- East Champaran

Lakhindra Rai, S/o Late Yogi Rai, R/o village- Sundrapur Malahi Tola, P.S.-
Kesariya, District- East Champaran

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

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

For the Opposite Party/s : Mr. Akhileshwar Dayal, A.P.P.

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

2 09-12-2020 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.

At the outset, learned counsel for the petitioner seeks
permission to make correction in prayer portion and in
paragraph ‘11’ of the petition in place of P.S. Case No.195 of
2020 wrongly typed as P.S. Case No. 137 of 2020.

Let it be corrected and be read as ‘P.S. Case No. 195
of 2020’.

Heard learned counsel for the petitioner and Mr.
Akhileshwar Dayal, learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in
connection with Kesariya P.S. Case No. 195 of 2020 registered
for the offence under Section 414 of the Indian Penal Code and



Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act 2016.

Learned counsel for the petitioner submits that there is no recovery of illicit liquor from the possession of the petitioner. His name has been brought in this case at the instance of the Chowkidar who is on inimical term with the petitioner. Learned counsel submits that the Chowkidar is own Gotiya of the petitioner. He is a co-villager of the petitioner and he has been falsely implicating this petitioner in several cases. As regards the cases mentioned in paragraph '3' of the application it is submitted that the petitioner is on bail in all the cases. In this case he has been remanded from another case, on 07.07.2020 and investigation against him is complete.

Learned A.P.P. for the State has though opposed the prayer for regular bail of the petitioner, however, it is not disputed that investigation in the case is complete, the petitioner has remained in jail in connection with this case for over five months and at this stage it is not the submission of the learned A.P.P. for the State that release of the petitioner 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 Sessions Judge VII-cum-Special Judge, Excise, East Champaran, Motihari in connection with Kesariya P.S. Case No. 195 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.

This application is allowed.

(Rajeev Ranjan Prasad, J)

vats/-

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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'.

