

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.34143 of 2020**

Arising Out of PS. Case No.-146 Year-2020 Thana- MAGADH MEDICAL COLLEGE
District- Gaya

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PRINCE KUMAR S/o Upendra Ray Resident of Village- Khaira Tekari, P.S.-
Tekari, District- Gaya at present residing at Mohalla- Maranpur, P.S.-
Vishnupad, District- Gaya.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Ravindra Kumar Sinha, Advocate
For the Opposite Party/s : Mr.Nand Kumar, APP

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

2 16-12-2020 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. Nand
Kumar, learned APP for the State.

The petitioner in the present case is seeking regular bail in
connection with M.M.C.H. P.S. Case No. 146 of 2020 registered for
the offence punishable under Section 30(a) of Bihar Prohibition &
Excise Act.

Learned counsel for the petitioner submits that on secret
information while the informant was involved in checking of vehicle,
one Tempo was intercepted from which 180 liters of country made
illicit liquor were recovered and Police found three persons including
the petitioner boarded inside the Tempo.



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 the submission of learned counsel for the petitioner is that this petitioner was a passenger in the tempo in which the alleged illicit liquor was found and that the driver of the said vehicle has already been arrested by police, the petitioner is in custody in connection with this case since 02.08.2020, he has otherwise no criminal antecedent, investigation against him is complete but the trial is not likely to be concluded in near future, there being no submission on behalf of the State that release of the petitioner 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 bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each, to the satisfaction of learned Special Judge, Gaya in connection with M.M.C.H. P.S. Case No. 146 of 2020, subject to the conditions as laid down under Section 437(3) of the 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 step for cancellation of bail bond of the petitioner.

The 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'.

