

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.34079 of 2020**

Arising Out of PS. Case No.-238 Year-2020 Thana- KUCHAIKOTE District- Gopalganj

Seraj Ali @ Seraz Ali Son of Daroga Miyan Resident of Village - Basdila
Bazar, P.S. - Gopalganj Town, District- Gopalganj.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Javed Aslam, Advocate

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

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

2 15-12-2020 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.

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 Kuchaikote P.S. Case No. 238/2020 registered
for the offences punishable under Section 30(a) of Bihar
Prohibition and Excise Act, 2016.

Learned counsel for the petitioner submits from the
First Information Report that the informant along with police
force while on patrolling duty started checking the vehicles at
New Rajdhani Line Hotel, Kuchaikote and tried to stop the
motorcycle, the person, who were riding the motorcycles, on



seeing the police party, tried to flee away and then police chased and caught them, they disclosed their name as Seraz Ali, Akshay Lal Yadav and Ram Bilash. The informant searched the vehicles in which 68 liters kept in two carats and 12.920 liters illegal wine kept in a plastic bag were recovered and accordingly seizure list was prepared.

Learned counsel for the petitioner submits that petitioner has been falsely implicated in this case on mere suspicion, petitioner has remained in jail since 25.06.2020 and he has no criminal antecedent as also that the trial of this case is not likely to be concluded in near future.

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 the petitioner has remained in jail since 25.06.2020, investigation against him is complete and he has otherwise no criminal antecedent, the trial is not likely to be concluded in near future and there is no submission on behalf of the State that the release of the petitioner on bail 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 and Sessions Judge – II, Gopalganj, in connection with Kuchaikote P.S. Case No. 238/2020, 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/-

U		T	
---	--	---	--

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'

