

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4399 of 2020**

Arising Out of PS. Case No.-62 Year-2019 Thana- NAYAGAON District- Begusarai

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RANJEET KUMAR Son of Shatrughna Prasad Singh Resident of Village -
Raharpur, P.S.- Balia, District - Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Hare Krishna Prasad

For the Opposite Party/s : Mr.Pushpa Sinha

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 13-05-2020 Heard.

The proceeding has been conducted through video conferencing.

The petitioner has preferred the present application for grant of bail in a case registered for the offences punishable under Section 30(a) of Bihar Prohibition and Excise Act, 2016 as amended by the Amendment Act 8 of 2018(hereinafter referred to as the Act) as he is languishing in custody since 2.12.2019.

The prosecution case, as per the written report of ASI Ajay Kumar Rai submitted to the SHO, Nayagaon Police Station, is to the effect that on 1.12.2019 while conducting investigation of some criminal case, a secret information was received that in a Bolero vehicle liquor is being transported. Consequently, raid



was laid leading to recovery of 335.52 litres of Indian made foreign liquor from the said vehicle. The petitioner was found travelling in the Bolero vehicle in question, leading to registration of the present FIR.

Learned counsel for the petitioner submits that the petitioner was not aware about the liquor being loaded in the vehicle in question though statement has been made in paragraph 3 of the petition the petitioner is accused in one other case of accusation of similar nature. It is further submitted that FIR has been registered and seizure has been made by Assistant Sub Inspector of Police who is not authorized to make seizure since as per Section 73(e) of the Act the seizure can only be made by a police officer not below the rank of Sub Inspector of Police.

Learned APP, however, submits that the recovery has been made from the possession of the petitioner though investigation has already been concluded.

Considering the fact that investigation has already been concluded and the seizure has been made by ASI who is not authorized under Section 73(e) of the Act coupled with the period in custody, let the petitioner above named be released on bail for the present provisionally for a period of three months



on furnishing one surety to the satisfaction of the learned Addl. Sessions Judge-cum-Special Judge, Excise Act, Begusarai in connection with Naya Gaon P.S. Case No. 62 of 2019.

However, in view of the present pandemic Covid-19, it will be open for the learned Court below to accept the bail bond on furnishing an undertaking by the bailor, on photo copy of his Aadhar Card to the effect that he is ready to become the bailor of the petitioner which may be transmitted by such surety to the learned Court concerned through e-mode.

The provisional bail of the petitioner will be confirmed by the learned Court below within three months on furnishing bail bond of Rs.10000/- (ten thousand) with two sureties including one surety given at the time of provisional bail, of the like amount each to the satisfaction of the learned Addl. Sessions Judge-cum-Special Judge, Excise Act, Begusarai in connection with Naya Gaon P.S. Case No. 62 of 2019.

Since the petitioner is accused in one other case, the learned Court below will be at liberty to cancel the bail bonds if the petitioner gets substantially involved in similar nature of offence.

The learned Court below will further be at liberty to extend the period of provisional bail further if the lock down is



not over in three months.

(Dinesh Kumar Singh, J)

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