

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4609 of 2020

Arising Out of PS. Case No.-695 Year-2019 Thana- SARAIYA District- Muzaffarpur

NARENDRA @ NARENDRA KUMAR Son of Ramphal Resident of Village
- Ismail, P.S.- Sapla, Distt.- Rohtak, Haryana.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Yugal Kishore, Adv.

For the Opposite Party/s : Mr. Uma Shankar Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

3 14-05-2020 Heard Mr. Yugal Kishore, learned counsel for the
petitioner and Mr. Uma Shankar Prasad Singh, learned APP for
the State.

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 Sections 420, 467, 468, 120B, 272, 273, 34 of the Indian
Penal Code and Sections 30(a) and 38 of Bihar Prohibition and
Excise Act, 2016, as amended by the Amendment Act 8 of 2018,
as the petitioner is languishing in custody since 16.10.2019.

The prosecution case, as per the written report of S.I., Saroj
Kumar submitted before the S.H.O., Saraiya Police Station,
Muzaffarpur is to the effect that on 14.10.2019 at 7.00 P.M., the



informant was informed by the Sr. Superintendent of Police, Muzaffarpur that the liquor traders were transporting liquor in huge quantity, a pickup van was intercepted which was being driven by one Suraj Yadav, who confessed the guilt of carrying the liquor and informed the informant that through various pickup vans, the liquor is being transporting and ultimately, one DCM truck and four pickup vans were intercepted carrying liquor, leading to recovery of total 3999.720 litres of Indian made foreign liquor. From the DCM truck bearing registration No. CG 04MN-3638 which was being driven by this petitioner, 694.8 litres of Indian Made Foreign Liquor were recovered, leading to registration of the present case.

It is submitted by learned counsel for the petitioner that the petitioner was not aware about the articles being loaded in the truck in question. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent and the investigation has already been concluded.

Learned APP for the State submits that 694.8 litres of Indian Made Foreign Liquor was recovered from a DCM truck which was being driven by this petitioner. However, he has not controverted the argument of learned counsel for the petitioner that the petitioner is not having any criminal antecedent.



Considering the fact that the investigation has already been concluded, the statement made in paragraph no.3 of the petition with regard to criminal antecedent of the petitioner and the said statement has not been controverted by learned counsel for the State, 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 Special Judge, Excise, Muzaffarpur, in connection with Saraiya P.S. Case No. 695 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 surety, on photo copy of his Adhar 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 Special Judge, Excise, Muzaffarpur, in connection with Saraiya P.S. Case No. 695 of 2019.



The learned Court below will further be at liberty to extend the period of provisional bail further if the lockdown is not over in three months.

(Dinesh Kumar Singh, J)

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