

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12977 of 2020**

Arising Out of PS. Case No.-144 Year-2019 Thana- DAWATH District- Rohtas

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PINTU KESHRI @ PINTU KESARI, Son of Harihar Prasad Kesari @ Harihar Keshri, Resident of Village- Koath, P.S.- Dawath, District- Rohtas at Sasaram.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Babu Nandan Prasad, Adv.

For the Opposite Party/s : Mr. J. N. Thakur, APP

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

3 12-06-2020 Heard learned counsel for the petitioner and learned APP for the State.

The matter has been taken up through virtual Court proceeding.

The petitioner has preferred the present application for grant of bail in a case registered for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2016, as amended by the Amendment Act 8 of 2018.

The prosecution case, as per the self statement of Shashi Bhushan Prasad, S.I-cum-S.H.O., Dawath Police Station



recorded on 01.09.2019 is to the effect that on 31.08.2019, the information was received that liquor has been stored in the house of co-accused, Santosh Prasad. Consequently, a raid was laid and from the house of co-accused, Santosh Prasad, 58.58 litres of Indian Made Foreign Liquor and cash were recovered and he was apprehended. The name of the petitioner sprang up on the basis of confessional statement of the apprehended accused. Petitioner's name also sprang up in a diary recovered from the possession of co-accused, Santosh Prasad.

It is submitted by learned counsel for the petitioner that admittedly the recover has been made from the possession of co-accused, Santosh Prasad. The petitioner is languishing in custody since 22.11.2019 and the investigation has already been concluded. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP for the State submits that the name of the petitioner sprang up in the present case, on the basis of confessional statement of apprehended co-accused.

Considering the fact that the recovery has been made from the possession of co-accused, Santosh Prasad, the investigation already being concluded coupled with 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 Additional District & Sessions Judge 2nd -cum- Special Judge, Excise, Rohtas at Sasaram in connection with Dawath P.S. Case No. 144 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 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 Additional District & Sessions Judge 2nd -cum- Special Judge, Excise, Rohtas at Sasaram in connection with Dawath P.S. Case No. 144 of 2019.

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



court proceeding in physical mode will not resume in next three months.

(Dinesh Kumar Singh, J)

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