

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4877 of 2020

Arising Out of PS. Case No.-287 Year-2019 Thana- MUSAHARI District- Muzaffarpur

RAHUL KUMAR S/o Ram Eqwal Singh R/o village- Sutihara, P.S.-
Mushahri, District- Muzaffarpur, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vibhakar Kumar

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

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 13-05-2020 Heard.

The matter has been taken up through virtual court proceeding.

The present application has been preferred for grant of bail in a case registered for the offences punishable under Sections 272 and 273 of the IPC and Sections 30(a), 36 and 38 of the Bihar Prohibition and Excise Act, 2016, as amended by the Amendment Act 8 of 2018 (hereinafter referred to as the Act). However, Section 38 of the Act has been deleted vide Amendment Act 8 of 2018.

The prosecution case, as per the written report of Tej Narayan Ray, being the A.S.I. of Police, submitted to the S.H.O., Mushahari Police Station, is to the effect that on



08.12.2019, the informant received a secret information that Bhola Kumar @ Bigan has stored illicit liquor in his hutment, consequently raid was laid and co-accused Bhola Kumar @ Bihan was apprehended and from his hutment 47.985 litres of Indian Made Foreign Liquor were recovered. The apprehended co-accused stated before the police that seized liquor was kept in his hutment at the behest of this petitioner. Subsequently the petitioner was apprehended and he also confessed that he kept the seized liquor in the hutment of co-accused Bhola Kumar @ Bigan, leading to registration of the FIR.

From the pleading of Criminal Miscellaneous application, it appears that recovery has not been made from the conscious physical possession of the petitioner and the name of the petitioner sprang up on the confession of apprehended co-accused. It further appears that the petitioner is languishing in custody since 09.12.2019 and the investigation has already been concluded. A statement has been made in paragraph no.3 of the petition that the petitioner is also made accused in one other case of similar nature of offence.

Learned APP submits that the name of the petitioner sprang up on the confession of apprehended co-accused.



Considering the fact that recovery has been made from the hutment of Bhola Kumar, the investigation has already been concluded and 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 Special Judge (Excise), Muzaffarpur in connection with Mushahari P.S. Case No.287 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 Mushahari P.S. Case No.287 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)

Amrendra/-

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