

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5611 of 2020

Arising Out of PS. Case No.-135 Year-2019 Thana- GOVERNMENT OFFICIAL COMP.
District- Vaishali

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Mithlesh Kumar Son of Sonelal Das Resident of Village-Samaspura, P.S.-
Mahua, District-Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sunil Kumar Singh, Advocate
For the Opposite Party/s : Mr. Satyendra Narayan Singh, APP

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

4 14-05-2020 The proceeding has been conducted through video conferencing.

Heard Mr. Sunil Kumar Singh, learned counsel for the petitioner and Mr. Satyendra Narayan Singh, learned APP for the State.

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').

The prosecution case is that Ajit Kumar, being the Inspector, Excise received a secret information that from the hutment of the petitioner, illicit liquor is being loaded on a



motorcycle, consequently, raid was laid and 351 litres of Indian Made Foreign Liquor were recovered and the petitioner was apprehended from the spot.

It is submitted by learned counsel for the petitioner that recovery has been made from an open area, because the alleged hutment has no door, hence the recovery cannot be treated from the conscious physical possession of the petitioner. The petitioner is languishing in custody 14.09.2019 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 submits that the recovery has been made from the hutment of the petitioner.

Considering the fact that the fact that recovery has been made from an open area and the investigation has already been concluded so far as the petitioner is concerned coupled with the period in custody and the petitioner having no criminal antecedent, 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 Sessions Judge-II-cum-Excise Court, Vaishali at Hajipur in connection with C2A No. 135 of 2019.



However, in view of 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 Additional Sessions Judge-II-cum-Excise Court, Vaishali at Hajipur in connection with C2A No. 135 of 2019.

The learned Court below will further be at liberty to extend the period of provisional bail further if the lockdown, due to present pandemic COVID-19, is not over in three months.

(Dinesh Kumar Singh, J)

Amrendra/-

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