

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11715 of 2020

Arising Out of PS. Case No.-86 Year-2019 Thana- MAINATAND District- West Champaran

Santosh Shah @ Santosh Kumar Son of Munnilal Shah Resident of Village-
Bhediharwa, P.O.- Langadi, P.S.- Virganj, District- Parsa (Nepal).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bimlesh Kumar Pandey

For the Opposite Party/s : Mr.Sanjay Kumar Tiwary

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 02-06-2020 The matter has been taken up through virtual court proceeding.

Heard learned counsels for the petitioner and the State.

The petitioner, who is languishing in custody since 28.10.2019, 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 Amendment Act 8 of 2018.

The prosecution case is to the effect that on a secret information that the liquor is being transported through a motorcycle, a Hero Honda Splendor Plus motorcycle was intercepted and the petitioner was apprehended and from his possession, 48 litres of country made liquor were recovered.



It is submitted by learned counsel for the petitioner that the petitioner has maliciously been framed in the case. The investigation has already been concluded and he is languishing in custody since 28.10.2019. 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 recovery has been made from the possession of the petitioner.

Considering the fact that investigation has already been concluded, period under 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 Special Judge, Excise, Bettiah, West Champaran in connection with Mainatand P.S. Case No. 86 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 learned Special Judge, Excise, Bettiah, West Champaran in connection with Mainatand P.S. Case No. 86 of 2019.

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

(Dinesh Kumar Singh, J)

Amrendra/-

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