

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4257 of 2020

Arising Out of PS. Case No.-425 Year-2019 Thana- BRAHMPUR District- Buxar

GORAKH PRASAD Son of Ganga Prasad Resident of Village - Noniyapura,
P.S.- Brahamsthan, Dist.- Buxar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ramchandra Sahni

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

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 13-05-2020 Heard.

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 Section 30(a) of Bihar Prohibition and Excise Act, 2016 as amended by Amendment Act 8 of 2018 since he is languishing in custody since 15.11.2019.

The prosecution case, as per the self statement of SI Manoranjan Prasad Rai, SHO, Krishnabrahm Police Station recorded on 30.9.2019 at 6.45 A.M. is to the effect that the informant received information at 12.20 A.M. on 30.9.2019 that the petitioner Gorakh Prasad and co-accused Kanhaiya Yadav, Sunil Pandey, Dipu Sah and Brahmeshwar Yadav have brought



truck loaded with liquor and are preparing to unload the same. Consequently, the informant raided the place and pick up van bearing registration no. WB 37C 1244 was intercepted from which 1512 litres of Indian made foreign liquor were recovered. Thereafter, further raid was laid in village Noniapura where the truck bearing registration no. UP 70 AT 8386 was intercepted which was stuck in the mud and from the same, 6505.920 litres of Indian made foreign liquor were recovered, leading to registration of the present FIR.

It is submitted by learned counsel for the petitioner that the recovery has not been made from the possession of the petitioner. The recovery has been made from open area i.e. firstly from the village Ariaon near Engineering College and secondly, from village Noniapura near middle school. There is nothing on record to suggest that the petitioner is owner of either of the seized vehicles and the investigation has already been concluded. However, the petitioner is accused in three other cases of similar nature.

Learned APP, after going through the case diary, submits that huge quantity of liquor has been recovered and the petitioner is accused in three other similar cases. However he has not controverted the contention of learned counsel for the



petitioner that the petitioner is not the owner of either of the seized vehicles from which recovery has been made.

Considering the extra-ordinary situation due to present pandemic Covid-19, the materials on record suggest that the petitioner was not apprehended from the place of seizure, there is nothing on record that the petitioner is owner of the vehicles in question and the investigation has already been concluded so far as the petitioner is concerned coupled with 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 2nd Additional Sessions Judge-cum-Special Judge, Excise, Buxar in connection with Brahmpur P.S. Case No. 425 of 2019.

However, 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 of the like amount each to the satisfaction of the learned
2nd Additional Sessions Judge-cum-Special Judge, Excise, Buxar
in connection with Brahmpur P.S. Case No. 425 of 2019
including one surety given at the time of provisional bail.

Since the petitioner is accused in three similar cases,
the learned Court below will be at liberty to cancel the bail
bonds if the petitioner gets substantially involved in offences of
similar nature.

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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