

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5302 of 2020

Arising Out of PS. Case No.-161 Year-2019 Thana- SHANKARPUR District- Madhepura

KULDIP YADAV @ KULDEEP YADAV Son of Domi Yadav Resident of
Village - Jharkaha, Ward No. 17, Police Station - Shankarpur, District -
Madhepura.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Uday Chand Prasad
For the Opposite Party/s : Mr. J. N. Thakur, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 14-05-2020 The proceeding has been conducted through video conferencing.

Heard learned counsel for the petitioner and the State.

The petitioner has preferred the present application for grant of bail in a case registered for the offence 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, as per the written report of Ram Babu Vishwakarma, S.I. of Police submitted to learned Additional District and Sessions Judge-II-cum-Special Judge, Excise, Madhepura is to the effect that on 16.10.2019 at 8 A.M., the informant received a secret information that through white



coloured Scorpio vehicle, huge quantity of illicit liquor is being transported, consequently said Scorpio vehicle was intercepted and two accused persons, being the driver and co-passenger were apprehended, from which altogether 123.750 litres of Indian Made Foreign Liquor were recovered. The apprehended co-accused disclosed the name of the petitioner as the owner of the seized vehicle, leading to registration of the present FIR.

It is submitted by learned counsel for the petitioner that the petitioner was not apprehended from the spot. The vehicle in question was hired by someone else and he was not aware about the illicit liquor being transported through the alleged vehicle. It is further submitted that the investigation has already been concluded and the petitioner is languishing in custody since 02.01.2020. 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, however, submits that the petitioner is the owner of the vehicle from which the recovery has been made, however, he does not controvert this fact that the petitioner was not travelling in the alleged vehicle while the seizure was made.

Considering the fact that the at the time of seizure the petitioner was not found travelling in the alleged vehicle 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 Additional District and Sessions Judge-I-cum-Special Judge, Excise Act, Madhepura in connection with Shankarpur Police Station Case No. 161 of 2019, arising out of Excise Act Case No. 1104 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 learned Additional District and Sessions Judge-I-cum-Special Judge, Excise Act, Madhepura in connection with Shankarpur Police Station Case No. 161 of 2019, arising out of Excise Act



Case No. 1104 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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