

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4414 of 2020

Arising Out of PS. Case No.-3 Year-2020 Thana- BASOPATTI District- Madhubani

MANISH KUMAR S/o Ramkishor Mahto R/o village- Umgaon, P.S.-
Harlakhi, District- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Gagan Deo Yadav

For the Opposite Party/s : Mr.Parmanand Kumar

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 Sections 272 and 273 of the IPC and Section 30(a) of Bihar Prohibition and Excise Act, 2016 as amended by Act 8 of 2018 as he is languishing in custody since 5.1.2020.

The prosecution case, as per the written report of Nand Kumar Singh, ASI of Police submitted to the SHO, Basopatti, is to the effect that while the informant was on patrolling duty, he saw two motorcycles and signalled to stop whereupon the accused persons tried to flee away but on chase, three persons were apprehended who disclosed their names as co-accused Ishwar Kumar Mandal, Sachin Kumar and Manish Kumar (petitioner). It is alleged that from the two motorcycles, 90 litres Nepali liquor were recovered, leading to



registration of the present FIR.

It is submitted by learned counsel for the petitioner that the recovery cannot be treated from the conscious physical possession of the petitioner. The petitioner did not have knowledge of what was kept in the jute bag on the motorcycles. Statement has been made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent. Moreover, investigation has already been concluded.

Learned APP, after going through the case diary, submits that the recovery has been made from the motorcycle on which the petitioner was travelling along with others. However, he has not controverted the fact that the petitioner is not having any criminal antecedent and the investigation has already been concluded.

Considering the fact that the investigation has already been concluded and in paragraph 24 of the case diary it has been recorded that the petitioner has no criminal antecedent, 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 Addl. Sessions Judge-cum-Special Judge, Excise Act, Madhubani in connection with Basopatti P.S. Case No.3 of 2020.

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 of the like amount each to the satisfaction of the learned 2nd Addl. Sessions Judge-cum-Special Judge, Excise Act, Madhubani in connection with Basopatti P.S. Case No.3 of 2020 including one surety given at the time of provisional bail.

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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