

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8345 of 2020

Arising Out of PS. Case No.-14 Year-2019 Thana- ROSERA District- Samastipur

Neeraj Kumar @ Neeraj Mahto @ Neeraj Kumar Mahto, Son of Ram Dinesh Mahto, Resident of Village - Batha, P.S.- Rosera, District - Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs.Namrata Mishra, Advocate

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

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 11-06-2020 The matter has been taken up through virtual Court proceeding.

Heard Mrs. Namrata Mishra, learned counsel for the petitioner and Mr. Uma Shankar Prasad Singh, learned APP for the State.

The present application has been preferred on behalf of the petitioner for grant of bail in connection with a case registered for the offences punishable under Sections 30(a)/47 of the Bihar Prohibition and Excise Act, 2016 as amended by Act 8 of 2018.

The prosecution case, as per the self statement of Hari Narayan Singh, Inspector -cum- SHO, Rosera Police Station recorded on 15.01.2019 at 4.00 A.M., is to the effect that on 14.01.2019 at 22.30 P.M., a confidential information was



received that through a truck, liquor is being transported. Thereafter, a raid was laid and it was found that huge quantity of liquor was unloaded from a truck and being loaded the same on pickup van and Bolero vehicle and total 4750 litres of Indian Made Foreign liquor were recovered, leading to registration of the case and co-accused Vijay Kumar was apprehended from the cabin of the truck, who named the petitioner.

It is submitted by learned counsel for the petitioner that there is no recovery from conscious physical possession of the petitioner and petitioner has neither any concern with the seized liquor nor he is the owner of the seized truck or the Bolero Pickup van or the Bolero vehicle, statement to that effect has been made in paragraph 9 of the petition. Further a statement has been made in paragraph 3 of the petition that the petitioner is accused in three other cases of similar nature but he is on bail in all those cases.

Learned APP for the State submits that the name of the petitioner sprang up on the statement of apprehended co-accused.

Considering the fact that material on record does not suggest any recovery from conscious physical possession of the petitioner, the contention of the learned counsel for the



petitioner that he is not the owner of the truck, Bolero pickup van and Bolero vehicle, which is not controverted by learned counsel for the State, petitioner is languishing in custody since 14.10.2019 and investigation has already been concluded, 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 & Sessions Judge-III cum Special Judge, Excise, Samastipur in connection with Rosera P.S. Case No. 14 of 2019, bearing G.R. No. 50 of 2019 and Tr. No. 2998 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 upon 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 the learned



Additional District & Sessions Judge-III cum Special Judge,
Excise, Samastipur in connection with Rosera P.S. Case No. 14
of 2019, bearing G.R. No. 50 of 2019 and Tr. No. 2998 of 2019.

The learned Court below is at liberty to further
extend the period of provisional bail if the court proceeding in
physical mode will not resume in next three months.

(Dinesh Kumar Singh, J)

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