

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4390 of 2020

Arising Out of PS. Case No.-3 Year-2020 Thana- BARACHATTI District- Gaya

=====

BABLOO KUMAR Son of Late Bihari Yadav Resident of Village - Kahudag,
P.S.- Barachatti, Distt - Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Ajay Kumar Sinha

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, who is languishing in custody since 4.1.2020, 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.

The prosecution case, as per the written report of A.S.I. of Police Sudhir Kumar Singh submitted to the SHO, Barachatti Police Station is to the effect that on 3.1.2020 during patrolling on an information being received, 11 litres of Mahua liquor were recovered near the house of one Sangeeta Devi. Thereafter, on further information that liquor is being transported, an Alto



car was intercepted from which 288 litres liquor made in Jharkhand were also recovered and the petitioner was apprehended while driving the vehicle in question.

It is submitted by learned counsel for the petitioner that the petitioner was not aware about the liquor being kept in the vehicle. Statement has been made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP, after going through the case diary, submits that the recovery has been made from the vehicle in question which was being driven by the petitioner. However, he has not controverted this fact that investigation has already been concluded.

Considering the fact that the investigation has already been concluded, the petitioner's claim of having no criminal antecedent gets corroborated by the opinion recorded by I.O. in paragraph no. 23 of the case diary, 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 Special Excise Judge, Gaya in connection with Barachatti P.S. Case No.3 of 2020.

However, it will be open for the learned Court below



to accept the bail bond on furnishing an undertaking by the bailor, 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 Special Excise Judge, Gaya in connection with Barachatti P.S. Case No.3 of 2020.

The learned Court below will further be at liberty to extend the period of provisional bail further if the lock down, due to the present pandemic Covid-19, is not over in three months.

(Dinesh Kumar Singh, J)

anil/-

U			
---	--	--	--

