

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8136 of 2020**

Arising Out of PS. Case No.-180 Year-2019 Thana- CHERIYA BARIYARPUR District-
Begusarai

-
1. Babu Saheb Son of Nepali Rai @ Nepo Mahto @ Nepo Rai Resident of Village - Manjhaul, Panchayat No. 3, P.S.- Cheria Bariyarpur, District - Begusarai.
 2. Prince Kumar Son of Devendra Prasad Sinha Resident of Village - Manjhaul, Panchayat No. 3, P.S.- Cheria Bariyarpur, District - Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arjun Prasad

For the Opposite Party/s : Mr.Ramesh Chandra

**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER**

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

Heard learned counsels for the petitioner and the State.

The petitioner, who is languishing in custody since 22.12.2019, has preferred the present application for grant of bail in a case registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2016, as amended by Amendment Act 8 of 2018.

The prosecution case as per the written report of S.I. of Police, Vishwanath Sharma, submitted to the S.H.O., Cheriya Bariyarpur is to the effect that on 30.11.2019, on a secret



information, raid was laid, when from a pickup van, 1089 litres of Indian Made Foreign Liquor were recovered whereas from from a Bolero vehicle, 90 litres and from a truck, 3312.9 litres of Indian Made Foreign Liquor were recovered, leading to registration of FIR against unknown persons. The name of the petitioner sprang up during investigation, on the basis of Call Detail Report.

It is submitted by learned counsel for the petitioner that the accusation has been levelled only on the basis of suspicion and there is no recovery from the conscious physical possession of the petitioner. The investigation has already been concluded. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP submits that the name of the petitioner sprang up during investigation on the basis of Call Detail Report.

Considering the circumstantial nature of accusation, investigation already being concluded and period under custody, coupled with the fact that the petitioner is not having any criminal antecedent, 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, Begusarai
in connection with Cheria Bariyarpur P.S. Case No. 180 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 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 2nd Addl.
Sessions Judge cum Special Judge, Excise Act, Begusarai in
connection with Cheria Bariyarpur P.S. Case No. 180 of 2019..

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

(Dinesh Kumar Singh, J)

Amrendra/-

U		T	
---	--	---	--

