

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5602 of 2020

Arising Out of PS. Case No.-9 Year-2020 Thana- AMAS District- Gaya

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1. Sunil Kumar Pandit S/O Mahendra Pandit Resident of Village - Rupandih, P.S. - Domchach, District - Kodarma.
 2. Pramod Kumar S/O Jay Kumar Mehta Resident of Village - Domchach, P.S. - Domchach, District - Kodarma.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ravindra Kumar Sinha, Advocate
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 petitioners have 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 Dilip Kumar Singh, S.I. of Police submitted to the S.H.O., Amas Police Station is to the effect that on 06.01.2020, during night patrolling, the informant received a secret information that huge quantity of liquor is being transported through Scorpio vehicle, consequently the said vehicle was intercepted and the



petitioners, being the driver and co-passenger were apprehended. From the alleged vehicle, altogether 225 litres of country made liquor were recovered, leading to registration of the present FIR.

It is submitted by learned counsel for the petitioners that the petitioners were not aware about the illicit liquor being kept in the alleged vehicle. The investigation has already been concluded and the petitioner is languishing in custody since 07.01.2020. A statement has been made in paragraph no.3 of the petition that the petitioners are not having any criminal antecedent.

Learned APP, however, submits that the petitioners were apprehended from the vehicle from which recovery has been made, though, he is not controverting this fact that the petitioner is not having any criminal antecedent and the investigation has already been concluded.

Considering the fact that the fact that the investigation has already been concluded, period in custody and the petitioners having no criminal antecedent, let the petitioners 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 Amas P.S. Case No. 09 of 2020.

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 they is ready to become the bailor of the petitioners which may be transmitted by such surety to the learned Court concerned through e-mode.

The provisional bail of the petitioners will be confirmed by the learned Court below within three months on furnishing bail bond of Rs.10000/- (ten thousand) each 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 Special Excise Judge, Gaya in connection with Amas P.S. Case No. 09 of 2020.

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

(Dinesh Kumar Singh, J)

Amrendra/-

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