

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5615 of 2020

Arising Out of PS. Case No.-358 Year-2019 Thana- BAKHTIYARPUR District- Patna

MANTU KUMAR Son of Rajdeo Singh @ Rajdev Ray Resident of Village -
Naya Tola Dedaur, P.S.- Bakhtiyarpur, Distt - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anil Kumar Singh
For the Opposite Party/s : Mr.Shailendra Kumar

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 counsel for the petitioner and the State.

The petitioner, who is languishing in custody since 22.11.2019, has preferred the present application for grant of bail in a case registered for the offences punishable under Section 414 of the IPC and 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 self statement of Kamlesh Prasad Sharma, Inspector -cum-S.H.O., Bakhtiyarpur Police Station is to the effect that 885 litres of Indian Made Foreign Liquor were recovered from a pickup van when the petitioner and other co-accused person were found sitting in the



seized vehicle in question.

It is submitted by learned counsel for the petitioner that the petitioner is neither the driver nor the owner of the vehicle in question, statement to that effect has been made in paragraph no. 8 of the petition, which reads as follows:-

“That the petitioner is neither a driver of the pickup van nor the owner of the pickup van.....”

It is further submitted that recovery has not been made 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 recovery has been made from the pick up van in which the petitioner was found sitting.

Considering the claim of the petitioner that he was neither the driver nor the owner of the vehicle in question, period under custody and the fact that investigation has already been concluded, 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 Special Judge, Excise, Patna in connection with Special



Case No. 10421 of 2019, arising out of Bakhtiyarpur P.S. Case No. 358 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 Special Judge, Excise, Patna in connection with Special Case No. 10421 of 2019, arising out of Bakhtiyarpur P.S. Case No. 358 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.

Amrendra/-

(Dinesh Kumar Singh, J)

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