

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4458 of 2020

Arising Out of PS. Case No.-464 Year-2019 Thana- SHRIKRISHNAPURI District- Patna

1. Rohit Kumar Son of Shambhu Mandal Resident of Village - Auta, P.S.- Marachi, District- Patna, At present lives in rented house A/P Rajapur Pul gate No. 28, P.S.- Shri Krishnapuri, District- Patna
2. Khushbu Kumari @ Raani Kumari Wife of Vijay Kumar Resident of Village - Maharani Asthan, P.S.- Bathaiya, District- Patna, At present lives in rented house A/P Rajapur Pul Gate No. 28, P.S.- Shri Krishnapuri, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anuj Kumar

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

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 13-05-2020 Heard.

The present application has been preferred for grant of bail in a case registered for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2016, as amended by the Amendment Act 8 of 2018 (hereinafter referred to as ‘the Act’).

The application was preferred on behalf of above named two petitioners but petitioner no.2, Khushbu Kumari has been granted bail vide order dated 29.01.2020 passed by a Co-ordinate Bench of this Court.

The prosecution case, as per the written report of Vinod Kumar Singh, being the Sub-Inspector of Police, submitted to



the S.H.O., Sri Krishnapuri Police Station is to the effect that on 30.12.2019, during patrolling the informant received a secret information that in the house of co-accused Neeti Singh, his tenant co-accused Vijay Kumar is trading illicit liquor, consequently raid was laid and two male one female were apprehended, who disclosed their name as Rohit Kumar (petitioner no.1), Khushbu Kumari (petitioner no.2) and co-accused Ganesh Kumar being a minor. From the room in question, 131 litres of Indian Made Foreign Liquor were recovered, leading to registration of FIR.

It is submitted by learned counsel for the petitioners that admittedly the recovery has been made from the room of co-accused Vijay Kumar and not from the conscious physical possession of the petitioners. It is further submitted that the petitioners are languishing in custody since 01.01.2020 and the investigation has already been concluded. A statement has been made in paragraph no.3 of the petition that the petitioners are not having any criminal antecedent.

Learned APP submits that the petitioners were apprehended from the place of recovery as a result they are named in the FIR.

Considering the fact that investigation has already



been concluded coupled with the period in custody and the fact that the petitioners are not having any criminal antecedent, as recorded in paragraph no. 89 of the case diary, 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 Judge, Excise, Patna in connection with Shri Krishnapuri P.S. Case No. 464 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 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 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 Judge, Excise, Patna in connection with Shri Krishnapuri P.S. Case No. 464 of 2019.

The learned Court below will further be at liberty to



extend the period of provisional bail further if the lockdown is
not over in three months.

(Dinesh Kumar Singh, J)

Amrendra/-

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