

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4999 of 2020

Arising Out of PS. Case No.-192 Year-2019 Thana- SANHAULA District- Bhagalpur

1. ANKIT KUMAR @ ANKIT KUMAR SAH Son of Buddhdev Saha @ Buddhdev Sah Resident of Village and P.S.- Barharwa, Distt- Sahebganj (Jharkhand)
2. Ranjeet Sah Son of Duryodhan Sah Resident of Village- Kusma, P.S.- Baret, Distt- Sahebganj (Jharkhand)

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Indeshwari Prasad Mandal, Adv.
For the Opposite Party/s : Mr. J. N. Thakur, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 14-05-2020 Heard Mr. Indeshwari Prasad Mandal, learned counsel
for the petitioners and Mr. J. N. Thakur, learned APP for the
State.

The proceeding has been conducted through video
conferencing.

The petitioners have preferred the present application for
grant of bail in a case registered for the offences punishable
under Sections 272, 273, 34 of the Indian Penal Code and
Section 30(a) of the Bihar Prohibition and Excise Act, 2016, as
amended by the Amendment Act 8 of 2018, as the petitioners
are languishing in custody since 08.12.2019.

The prosecution case, as per the written report of S.I.,



Visheswar Prasad submitted before the S.H.O., Sanhaura Police Station, is to the effect that on 07.02.2019, the informant along with other police personnel was going to conduct investigation, he saw an auto rickshaw without having registration number and on seeing the police, a person who was seated inside the auto rickshaw and the driver of the auto rickshaw tried to escape from the scene, but was apprehended. The apprehended accused disclosed their names as Ankit Kumar, petitioner no.1 and Ranjeet Sah, petitioner No.2. During frisking, from the auto rickshaw, total 247.5 litres of country made liquor were recovered, leading to registration of the present case.

It is submitted by learned counsel for the petitioners that the petitioner no.1, being the driver was not aware about the liquor being loaded in the auto rickshaw in question. A statement has been made in paragraph no.3 of the petition that the petitioners are not having any criminal antecedent and the investigation has already been concluded.

Learned APP for the State submits that the recovery has been made from the auto rickshaw which was being driven by petitioner no.1 and petitioner no.2 was the passenger of the vehicle in question. However, he has not controverted this fact that the investigation has already been concluded and the



statement made in paragraph no.3 of the petition that the petitioners are not having any criminal antecedent.

Considering the fact that the investigation has already been concluded, the claim of the petitioners that they are not having any criminal antecedent and the same being not controverted by learned counsel for the State and there is no likelihood of trial being concluded in near future, 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, Bhagalpur, in connection with Sanhaua P.S. Case No. 192 of 2019.

However, in view of 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 he 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 Judge, Excise, Bhagalpur, in connection with
Sanhaura P.S. Case No. 192 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)

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