

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4787 of 2020

Arising Out of PS. Case No.-181 Year-2019 Thana- BHANGWANPUR HAT District- Siwan

Santosh Kumar Singh @ Hansraj Singh @ Hansraj Kumar Singh Son of Shri Baban Singh Resident of Village-Ratan Parauli, P.S.-Bhagwanpur Hat, District-Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Singh

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 offences punishable under Sections 30(a) and 41(1) of the 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 self-statement of Bipin Kumar, being the S.I. of Police, Bhagwanpur Hat Police Station, recorded on 04.09.2019 is to the effect that on the same day the informant received a secret information that the petitioner Santosh Kumar Singh @ Hansraj Singh, co-accused Deepak Kumar Prasad and Vijay Mahto have concealed illicit liquor in the water channel and bush situated adjacent to the outer house of the petitioner, consequently raid was laid and 753.750 litres



of Indian Made Foreign Liquor were recovered.

From the pleadings of Criminal Miscellaneous application, it appears that recovery has not been made from the conscious physical possession of the petitioner. It further appears that the petitioner is languishing in custody since 03.01.2020 and the investigation has already been concluded. A statement has been made in paragraph no.3 of the petition that the petitioner is also made accused in one other case of accusation of similar nature of offence in which he is on bail.

Learned APP submits that recovery has been made from the bush and water channel situated adjacent to the outer house of the petitioner.

Considering the fact that recovery has been made from an open area and the investigation has already been concluded coupled with the period in custody, 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 Additional Sessions Judge-II-cum-Special Judge, Excise, Siwan in connection with Bhagwanpur Hat P.S. Case No. 181 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 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 the learned learned Additional Sessions Judge-II-cum-Special Judge, Excise, Siwan in connection with Bhagwanpur Hat P.S. Case No. 181 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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