

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5274 of 2020

Arising Out of PS. Case No.-160 Year-2019 Thana- MANJHAGARH District- Gopalganj

BHUWAR YADAV @ SUNIL YADAV Son of - Shankar Yadav Resident of
Village- Madhu Sareya, P.S.- Manjhagarh, District- Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Lokesh Kumar Singh

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 petitioner has preferred the present application for grant of bail in a case registered for the offences punishable under Sections 323, 333, 353 and 307/34 of the IPC, Section 27 of the Arms Act and Sections 30(a), 41 and 45 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 statement of Ranjan Prasad, Inspector, Excise submitted to the S.H.O., Manjhagarh Police Station is to the effect that on 26.06.2019, during vehicle check at the U.P. boarder, the informant received a secret information that certain liquor smugglers are



transporting illicit liquor, consequently raid was laid and the informant found a truck parked, from which 20-22 people were found uploading liquor on Scorpio and auto-rickshaw. On seeing the police personnel, all the accused persons started fleeing away, however, 8 accused persons including the petitioner were identified in the light of the vehicle. Altogether 3467.520 litres of Indian Made Foreign Liquor were recovered, leading to registration of the present FIR.

It is submitted by learned counsel for the petitioner that petitioner has not been apprehended from the spot and recovery has not been made from the conscious physical possession of the petitioner. A statement has been made in paragraph no. 15 of the petition that the petitioner is not having any concern either with the alleged vehicles or with the seized liquor. Further statement has been made in paragraph no.3 of the petition that the petitioner is also made accused in one other case in which he is on bail. It is further submitted that the petitioner is languishing in custody since 03.10.2019 and the investigation has already been concluded. Similarly situated co-accused Hiralal Ram and Rajesh Yadav have been granted bail by different benches of this Court vide order dated 16.08.2019, passed in Cr. Misc. No. 55520 of 2019 and vide order dated



14.08.2019, passed in Cr. Misc. No. 55964 of 2019 respectively.

Learned APP, however, submits that the petitioner was seen fleeing away from the place of seizure.

Considering the fact that recovery has not been made from the conscious physical possession of the petitioner, investigation has already been concluded and the period under 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 IInd Additional Sessions Judge-cum-Special Judge, Excise, Gopalganj in connection with Manjhagarh P.S. Case No. 160 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 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
IInd Additional Sessions Judge-cum-Special Judge, Excise,
Gopalganj in connection with Manjhagarh P.S. Case No. 160 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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