

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 9279 of 2020**

Arising Out of PS. Case No.-191 Year-2019 Thana- GUTHANI District- Siwan

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BADAM SINGH Son of Dhakan Lal Resident of Village - Bargama, P.S.-
Phatehganj Purbi, Distt.- Bareli (U.P.).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr Chandra Kant, Advocate

For the Opposite Party/s : Ms Meena Singh, APP

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CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

3 13-05-2020 The matter has been listed today for consideration through Video Conferencing in view of the Nationwide lock down on account of the COVID 19 Pandemic.

Learned counsels are appearing and making submissions from their residence. The Court Master and Secretary are also part of this virtual Court proceedings with the aid of audio visual technology.

Heard Mr Chandra Kant, learned counsel for the petitioner as well as Ms Meena Singh, learned APP for the State.

Petitioner seeks bail in Guthani Police Station (for brevity, PS) Case No 191 of 2019 dated 24.11.2019 instituted for the offence punishable under Sections 420, 465, 467 of Indian Penal Code and Sections 30 (a), 38 (a) and 41 (1) of the



Bihar Prohibition & Excise Act.

First information report has been lodged on the basis of recovery of 3096 liters of illicit banned liquor from the truck being driven by the petitioner. It is submitted by petitioner's counsel that having no criminal antecedent, he has falsely been implicated in this case. He was a bona fide driver. He was driving the truck to its destination assigned by the owner of the vehicle under the bona fide belief that he was transporting furniture of the brand "Godrej Interio". He has no concern or connection with the alleged liquor recovered from the truck in question. Petitioner is in custody since 26.11.2019.

The learned APP for the State opposed the prayer for bail submitting that petitioner has been apprehended driving the vehicle from which recovery has been made and cannot escape his responsibility for the recovery of the banned substance.

Considering the rival submissions, this Court is inclined to allow petitioner's prayer for bail.

Accordingly, let the petitioner, abovenamed, be released on bail on his furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Additional Sessions Judges II, Siwan in Guthani PS Case No 191 of 2019 subject to the following conditions -



(1) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailors will also undertake to inform the Court if there is any change in the address of the petitioner.

(2) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

It is further made clear that during currency of the Nationwide lock down due to COVID 19 Pandemic, requirement of furnishing bail bonds and conditions shall remain suspended and the petitioner be released on executing and furnishing his personal bonds to the satisfaction of the Court concerned.

The petitioner must comply with the requirements of furnishing bail bonds and conditions in terms of this order within four weeks after normal working resumes, failing which bail granted under this order shall stand cancelled and petitioner will be liable for the consequences thereof in accordance with law.

Let this order be communicated, without any delay, to the Court of Additional Sessions Judge II, Siwan and the



competent authority of the State in terms of Clause 13 of Notice
II published in the cause list uploaded on the Website of this
Court.

(Madhuresh Prasad, J)

M.E.H./-

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