

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5504 of 2020

Arising Out of PS. Case No.-337 Year-2019 Thana- HARSIDHI District- East Champaran

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ARUN SINGH Son of Narayan Singh Resident of Village- Ranjita Dhan
Kharaiya, P.S.- Harsidhi, Distt- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Anand Kishore Choudhary

For the Opposite Party/s : Mr.Sucheta Yadav

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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 272, 273, 188, 308 and 420/34 of the IPC and Section 30(a) 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 self statement of Manoj Kumar Singh, S.H.O. Harsidhi Police Station recorded on 03.10.2019 is to the effect that on the same day at about 8.30 A.M., the informant received a secret information that in the cane field of Shubhash Singh, huge quantity of illicit liquor has



been stored, consequently raid was laid leading to recovery of 1289.940 litres of Indian Made Foreign Liquor. The name of the petitioner transpired as one of the persons who stored the illicit liquor, leading to registration of the present FIR.

It is submitted by learned counsel for the petitioner that recovery has not been made from the conscious physical possession of the petitioner and the petitioner was not apprehended from the place of seizure. It is further submitted that investigation has already been concluded and the petitioner is languishing in custody since 07.12.2019. Moreover, similarly situated co-accused Mithun Singh has been granted bail by a Co-ordinate bench of this Court vide order dated 04.03.2020, passed in Cr. Misc. No. 5895 of 2020. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP, however, submits that the informant had received the informant the several accused persons including the petitioner had stored the illicit liquor.

Considering the fact that the recovery has been made from the cane filed of co-accused person and the investigation has already been concluded so far as the petitioner is concerned 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 9th Additional Sessions Judge-cum-Special Judge, Excise, Motihari, East Champaran in connection with Harsidhi P.S. Case No. 337 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 9th Additional Sessions Judge-cum-Special Judge, Excise, Motihari, East Champaran in connection with Harsidhi P.S. Case No. 337 of 2019.

Though a statement has been made in paragraph no.3 of the petition that the petitioner is not having criminal antecedent, whereas paragraph no.3 of the supplementary case



diary reflects that the petitioner is also made accused in one other case being Harsidhi P.S. Case No. 198 of 2019, registered under Sections 467, 468, 471 of the IPC and Section 138 of the N.I. Act, the provisional bail of the petitioner will be confirmed by the learned Court below only if the petitioner gets disclosed about his criminal antecedent.

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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