

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10277 of 2020**

Arising Out of PS. Case No.-441 Year-2019 Thana- SIWAN MUFFASIL District- Siwan

SUNIL KUMAR YADAV @ DEEPAK KUMAR YADAV Son of Janardan
Yadav Resident of Village and P.S.- Daraunda, District- Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ramchandra Sahni
For the Opposite Party/s : Mr.Tarkeshwar Nath Thakur

**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER**

3 12-06-2020 The matter has been taken up through virtual Court proceeding.

Heard learned counsel for the petitioner and learned counsel for the State.

The petitioner is languishing in jail since 23.11.2019 in a case registered for the offences punishable under Sections 272 and 273 of the IPC,1860 and Sections 30(a) and 41(1) of the Bihar Prohibition and Excise Act, 2016 as amended by Act 8 of Amendment Act, 2018.

The prosecution case, as per the written report of SI-cum-SHO Ram Vichar Ram, Siwan Muffasil Police Station submitted to the learned Additional District and Sessions Judge-cum-Special Judge, Excise, Siwan, is to the effect that on 22.11.2019, the informant received a confidential information that illicit



liquor is being transported by a car. Consequently, raid was laid and on seeing the police, two persons started fleeing away but they were apprehended who disclosed their names as Sunil Kumar Yadav alias Deepak Kumar Yadav, the petitioner and co-accused Sanjeet Kumar Yadav. From the vehicle in question, 302.400 litres of Indian Made Foreign liquor were recovered.

It is submitted by learned counsel for the petitioner that the recovery has not been made from the conscious physical possession of the petitioner. Statement has been made in paragraph 7 of the petition that the petitioner is neither driver nor the owner of the vehicle in question. Statement has been made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent. It is further submitted that co-accused Sanjeet Kumar Prasad alias Sanjeet Kumar Yadav has been granted bail vide order dated 28.2.2020 passed in Cr. Misc. No. 11510 of 2020 by a Co-ordinate bench of this Court. The investigation has already been concluded.

Learned APP submits that the petitioner has been apprehended from the place of seizure.

Considering the fact that the investigation has already been concluded, period in custody, statement made in paragraph 3 of the petition that the petitioner is not having any criminal



antecedent, 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 District and Sessions Judge, 2-cum-Special Judge, Excise, Siwan in connection with Siwan Mufassil P.S. Case No.441 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 Aadhar 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 of the like amount each to the satisfaction of the learned Additional District and Sessions Judge, 2-cum-Special Judge, Excise, Siwan including one surety given at the time of provisional bail.

The learned Court below will be at liberty to further extend the period of provisional bail if the Court proceeding in



physical mode is not resumed in three months.

(Dinesh Kumar Singh, J)

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