

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8343 of 2020

Arising Out of PS. Case No.-8 Year-2020 Thana- JAYNAGAR District- Madhubani

Jitendra Kumar Rohita Son of Rajesh Rohita @ Kasindra Rohita Resident of
Village-Baldiha, P.S-Jaynagar, District-Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Md. Soban Asghar

For the Opposite Party/s : Mrs. Veena Kumari Jaiswal

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 11-06-2020 The matter has been taken up through virtual court proceeding.

Heard learned counsel for the petitioner and the State.

The petitioner, who is languishing in custody since 06.01.2020, has preferred the present application for grant of bail in a case registered for the offences punishable under Sections 272, 273 and 414 of the IPC and Section 30(a) of the Bihar Prohibition and Excise Act, 2016, as amended by Amendment Act 8 of 2018 (hereinafter referred to as 'the Act').

The prosecution case, as per the written report of A.S.I., Sanjay Kumar Singh, submitted to the S.H.O., Jainagar Police Station is to the effect that on 05.01.2020 at about 10.15 P.M., a secret information was received that the illicit liquor is being transported, consequently, raid was laid and a motorcycle,



being driven by the petitioner was intercepted and from the motorcycle in question, 138 litres of Indian Made Foreign Liquor were recovered.

It is submitted by learned counsel for the petitioner that the petitioner has maliciously been framed in the present case. The investigation has already been concluded and a statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent. Moreover, seizure has been made by an A.S.I. of Police who is not authorized to make seizure under Section 73(e) of the Act.

Learned counsel for the State submits that recovery has been made from the vehicle which was being driven by the petitioner.

Considering the fact that investigation has already been concluded, period under custody and the petitioner is not having any criminal antecedent, moreover, seizure has been made by A.S.I. of Police who has no authority to make seizure under Section 73(e) of the Act, 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 2nd Addl. Sessions Judge cum Special Judge, Excise Act, Madhubani in connection with Jaynagar P.S. Case No. 08 of



2020.

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 including one surety given at the time of provisional bail of the like amount each to the satisfaction of 2nd Addl. Sessions Judge cum Special Judge, Excise Act, Madhubani in connection with Jaynagar P.S. Case No. 08 of 2020.

The learned Court below will be at liberty to extend the further period of provisional bail if the court proceeding in physical mode will not resume in next three months.

(Dinesh Kumar Singh, J)

Amrendra/-

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