

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6638 of 2020

Arising Out of PS. Case No.-286 Year-2019 Thana- GAIGHAT District- Muzaffarpur

Uttim Singh Son of Pritam Singh Resident of Village - Chandpura, P.S.-
Gaighat, District - Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anshu Dhar Sharma, Advocate
For the Opposite Party/s : Mr. Satyendra Narain Singh, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 14-05-2020 Heard.

The matter has been taken up through virtual court proceeding.

The petitioner has preferred the present application for grant of bail in a case registered for the offences punishable under Sections 272, 273, 414, 120B of the IPC and Sections 30(a), 38 and 41 of Bihar Prohibition and Excise Act, 2016 as amended by Act 8 of 2018 as he is languishing in custody since 13.01.2020.

The prosecution case, as per the self statement of S.I. Lal Kishore Gupta, SHO of Benibad O.P. recorded on 30.08.2019 at 5.08 A.M. is to the effect that on 29.08.2019 at 10.00 P.M. a secret information was received that through a Scorpio vehicle huge quantity of liquor is being transported,



consequently, a raid was laid and in front of the house of the petitioner a Scorpio vehicle was found parked and from where one Sanjay Kumar was apprehended. From the vehicle in question 63 litres of liquor and from the abandoned house of one Bijnish Singh, 243.750 litres of Indian made foreign liquor were recovered, leading to the registration of the present FIR.

It is submitted by learned counsel for the petitioner that the recovery cannot be treated from the conscious physical possession of the petitioner and a statement has been made in paragraph 6 of the petition that the petitioner has no concern with the Scorpio vehicle. Statement has been made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent. Moreover, investigation has already been concluded.

Learned APP, after going through the case diary, submits that the recovery has been made from the Scorpio vehicle which was parked in front of the house of the petitioner. However, he has not controverted the fact that the petitioner is not having any criminal antecedent and the investigation has already been concluded.

Considering the fact that the part of the recovery has been made from the Scorpio vehicle which was parked in front of the house of the petitioner which is disowned by the



petitioner, the same has not been controverted by the learned APP, in paragraph 35 of the case diary it has been mentioned that the petitioner is not having any criminal antecedent and the fact that the 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 Special Judge, Excise, Muzaffarpur in connection with Gaighat (Benibad O.P.) P.S. Case No. 286 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 Special Judge, Excise, Muzaffarpur in connection with Gaighat (Benibad O.P.) P.S. Case No. 286 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/Dks

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