

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 9632 of 2020

Arising Out of PS. Case No.-535 Year-2019 Thana- MASHRAK District- Saran

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YOGENDRA @ YOGENDRA SINGH, aged about 30 years, Male, S/o
Birban, R/o Village – Basgaon, PS – Basgaon, District – Hisar (Haryana)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr Binod Murari Mishra, 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 Binod Murari Mishra, learned counsel for the petitioner as well as Ms Meena Singh, learned APP for the State.

Petitioner seeks bail in Masrakh Police Station (for brevity, PS) Case No 535 of 2019 instituted for the offence punishable under Sections 272, 273, 467, 468, 471, 414 of



Indian Penal Code and Sections 30, 30 (a), 36, 38, 41 of Bihar Prohibition and Excise Act.

Prosecution case is that one truck, car and motorcycle were standing near Kamla Cold Storage. On seeing the police party, persons started fleeing away. From the truck, 3881 liters banned Indian Made Foreign Liquor was recovered. 9 liters was recovered from the car in question. Petitioner is one amongst the 12 persons who fled away. He was arrested on 11.12.2019 and since then is in custody. Petitioner's counsel submits that he has no criminal antecedent. He was discharging his duties as a bona fide Khalasi having no knowledge of the goods being carried in the truck in question. Petitioner's counsel further submits that co-accused Ravi Ram and Tinku Sharma have since been allowed bail by this Court in Cr Misc No 9799 of 2020 on 28.02.2020

The learned APP for the State opposed the prayer for bail submitting that being the Khalasi of the truck in question, it is not upon the petitioner to take a plea that he was unaware of the liquor being transported on the truck.

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 Special Judge, Excise, Saran at Chapra in Masrakh PS Case No 535 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 Special Judge, Excise, Saran at Chapra 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)

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