

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7944 of 2020

Arising Out of PS. Case No.-113 Year-2019 Thana- GOVERNMENT OFFICIAL COMP.
District- Muzaffarpur

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BHUSHAN THAKUR @ MANI BHUSHAN KUMAR @ MANI
BHUSHAN THAKUR @ BHUSHAN KUMAR @ MANI BHUSHAN S/o
Late Nawal Thakur @ Late Nawal Kishore Thakur R/o village- Repura, P.S.-
Sakra, District- Muzaffarpur

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sanjay Kumar @ S.K.

For the Opposite Party/s : Mr.Manoj Kumar

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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 counsels for the petitioner and the
State.

The petitioner, who is languishing in custody since
09.01.2020, has preferred the present application for grant of
bail in a case registered for the offences punishable under
Section 30(a) of the Bihar Prohibition and Excise Act, 2016, as
amended by Amendment Act 8 of 2018.

It appears that a Co-ordinate bench of this Court, vide
order dated 20.02.2020, called for the case diary in connection
with Excise Case No. 113 of 2019. Office note dated 29.05.2020



suggests that a prosecution report has been submitted by the Excise Department after due enquiry, hence there happens to be no case dairy in the present case, in such circumstances, the order dated 20.02.2020 is modified to the extent that the matter is heard on merits.

As per the prosecution case, 316.440 litres of Indian Made Foreign Liquor were recovered from the house of the petitioner.

It is submitted by learned counsel for the petitioner that the recovery has been made from the joint family house. 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.

Learned APP submits that the recovery has been made from the house of the petitioner.

Considering the fact that the investigation has already been concluded, period under custody and the petitioner is not having any criminal antecedent, 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 Act, Muzaffarpur in connection with Excise Case No. 113 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 including one surety given at the time of provisional bail of the like amount each to the satisfaction of Special Judge, Excise Act, Muzaffarpur in connection with Excise Case No. 113 of 2019.

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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