

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 10247 of 2020**

Arising Out of PS. Case No.-21 Year-2019 Thana- GOVERNMENT OFFICIAL COMP.
District- Bhagalpur

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SONU ANSARI @ MD SHAMIM HUSSAIN S/o Late Md Jalil Ansari @
Late Md Jalim Mian R/o village- Madnadih, P.S.- Loyabad, District- Dhanbad
(Jharkhand)

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr Shivjee Singh, Advocate

For the Opposite Party/s : Mr Pradeep Narain Kumar, APP

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CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

4 **15-05-2020** 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 Shivjee Singh, learned counsel for the petitioner as well as Mr Pradeep Narain Kumar, learned APP for the State.

Petitioner seeks bail in Excise Case No 21 of 2019 instituted for the offence punishable under Section 30 (a) of



Bihar Prohibition and Excise Act, 2016.

The written report alleges that during vehicle checking at Tetariya More, one Mahindra Pick Up Van was stopped. 809.625 liters of foreign liquor was recovered from the vehicle. Petitioner is alleged to be driver of the vehicle. Considering the quantity of recovery, this Court, vide order dated 09.07.2019 passed in Cr Misc No 41019 of 2019, had rejected the prayer for bail. In the event, no substantive progress was made in the trial, the petitioner was given liberty to renew his prayer for bail after six months. It is in this background that the instant bail application has been filed.

Earlier report had been called for regarding the stage of the trial. Report dated 04.03.2020 has been received from the Court of Additional Sessions Judge II -cum- Special Judge, Excise, Bhagalpur. It is apparent that the case is still pending for appearance of co-accused (absconder). No progress whatsoever is reported in respect of the trial. The petitioner, as per averments in the petition, is on bail in the other case pending against him, i e, Loyabad PS Case No 11 of 2019.

The learned APP for the State has opposed the prayer for bail.

Considering the rival submissions, this Court is



inclined to allow petitioner's prayer for bail.

Accordingly, let the petitioner, above named, 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 Additional Sessions Judge II -cum- Special Judge (Excise Act), Bhagalpur in Excise Case No 21 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 Additional Sessions Judge II -cum- Special Judge (Excise Act), Bhagalpur 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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