

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10436 of 2020

Arising Out of PS. Case No.-279 Year-2019 Thana- GOVERNMENT OFFICIAL COMP.
District- Nawada

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MANTU KUMAR Son of Jay Prakash Saw Resident of Village-Marchoi,
(Samaldih), P.S.-Satgawan, District-Koderma (Jharkhand).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Deepak Kumar, Adv.
For the Opposite Party/s : Mr.Kalyan Shankar, APP

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

5 12-06-2020 Heard learned counsel for the petitioner and learned
APP for the State.

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 30(a) and 56(d) of the Bihar Prohibition and
Excise Act, 2016, as amended by the Amendment Act 8 of 2018.

The prosecution case, as per the written report of
Shailendra Kumar Aazad, S.I., Excise, Flying Squad, Nawada is
to the effect that from the parked car of the petitioner, 600 cans,
containing 500 ml litre in each cane, total weighting 300 litres
beer were recovered,



It is submitted by learned counsel for the petitioner that the petitioner was not aware about the article being kept in the car. The petitioner is languishing in custody since 30.12.2019 and investigation has already been concluded. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP for the State submits that the recovery of liquor has been made from the car of the petitioner.

Considering the fact that the investigation has already been concluded and coupled with statement made in paragraph no.3 of the petition that 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 Additional District & Sessions Judge 2nd -cum- Special Judge, Excise, Nawada, in connection with G.O. Case No. 279 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 the learned Additional District & Sessions Judge 2nd -cum- Special Judge, Excise, Nawada, in connection with G.O. Case No. 279 of 2019.

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

(Dinesh Kumar Singh, J)

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