

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10392 of 2020

Arising Out of PS. Case No.-39 Year-2020 Thana- BIHTA District- Patna

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RAMESH KUMAR Son of Shyamji Saw @ Samji Saw Resident of Village -
Parev, P.S.- Bihta, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Manish Kumar No2

For the Opposite Party/s : Mr.Ashraf Ansari

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

4 09-07-2020 The matter has been taken up through virtual Court
proceeding.

Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner is languishing in jail since 13.1.2020 in a
case registered for the offences punishable under Section 30(a)
of the Bihar Prohibition and Excise Act, 2016 as amended by
Act 8 of Amendment Act, 2018. Hence, prayer for bail has been
made through the present application.

The prosecution case, as per the self statement of Inspector
of Police Awadhesh Kumar, Inspector of Police recorded on
11.1.2020 at 3.30 P.M. is to the effect that on the same day at
2.05 P.M. a confidential information was received that near
embankment in village Maudahi adjacent to Hanuman temple, a



boy has concealed liquor, whereupon, Sanaha was lodged and a raid was laid when on seeing the poplice party one person tried to escape from the scene who was apprehended and he disclosed his name as Ramesh Kumar (petitioner) and from the heap of sand, 89.28 litres of Indian Made Foreign liquor were recovered.

It is submitted by learned counsel for the petitioner that the recovery has not been made from the conscious physical possession of the petitioner. The investigation has already been concluded. Statement has been made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP submits that at the instance of the petitioner, the recovery was made.

Considering the fact that the materials on record do not suggest that recovery has been made from the conscious physical possession of the petitioner, statement made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent, 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, Patna in



connection with Bihta P.S. Case No. 39 of 2020.

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 of the like amount each to the satisfaction of the learned Special Judge, Excise, Patna including one surety given at the time of provisional bail.

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

This application is, accordingly, disposed of.

(Dinesh Kumar Singh, J)

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