

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.10923 of 2020**

Arising Out of PS. Case No.-419 Year-2019 Thana- ARWAL District- Jehanabad

Saheb Dayal Singh @ Ram Dayal Singh, Son of Late Pyare Singh Resident of  
Village - Noniya Bigha, P.S. and District - Arwal

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Ranjay Kumar Singh

For the Opposite Party/s : Mr. Uma Shankar Prasad Singh, APP.

**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH**  
**ORAL ORDER**

3      29-05-2020      The matter has been taken up through virtual court proceeding.

Heard learned counsels for the petitioner and the State.

The present application has been preferred for grant of bail in a case registered for the offences punishable under Section 37(c) of the Bihar Prohibition and Excise Act, 2016 as amended by Amendment Act 8 of 2018 and Sections 25(1-B)a and 26 of the Arms Act.

The prosecution case, as per the written report of S.I., Md. Ulfat, submitted to the S.H.O., Arwal Police Station, is to the effect that on 08.12.2019, during patrolling, the petitioner, who was coming on a motorcycle, was intercepted when it was found that he consumed liquor and from his possession, one



country made pistol and three live cartridges were recovered.

Learned counsel for the petitioner submits that he has maliciously been framed in the present case by the police. The petitioner is languishing in custody since 10.02.2019 and the 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 counsel for the State submits that the petitioner was found in intoxicated condition and one country made pistol and three live cartridges were recovered from his possession.

Considering the nature of recovery, investigation being concluded, period under custody and the petitioner having no 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 Sessions Judge-II-cum-Special Judge, Excise, Jehanabad in connection with Excise Case No. 1365 of 2019, arising out of Arwal P.S. Case No. 419 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 upon 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 learned Additional Sessions Judge-II-cum-Special Judge, Excise, Jehanabad in connection with Excise Case No. 1365 of 2019, arising out of Arwal P.S. Case No. 419 of 2019.

The learned Court below will be at liberty to further extend the period of provisional bail if the lockdown is not over in next three months.

**(Dinesh Kumar Singh, J)**

Amrendra/-

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