

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16113 of 2020

Arising Out of PS. Case No.-130 Year-2019 Thana- BISHUNPUR District- Darbhanga

Prabhat Kumar Choudhary @ Chhotu, Son of Sanjay Choudhary Resident of
Village- Chakhedar, P.S.- Chak Mahasi, District- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ranjit Kumar Yadav

For the Opposite Party/s : Mr.Md. Nazir Ansari

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 12-06-2020 The matter has been taken up through virtual Court proceeding.

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

The present application has been preferred on
behalf of the petitioner for grant of bail in connection with a
case registered for the offences punishable under Sections 467,
468/34 of the Indian Penal Code and Section 30(a) of Bihar
Prohibition and Excise Act, 2016 as amended by Act 8 of 2018.

The prosecution case, as per the self statement of
S.I., Mukesh Kumar recorded on 05.11.2019 at 4.00 A.M., is to
the effect that during some raid, a confidential information was
received that the liquor is being transported at the behest of
Prabhat Kumar Choudhary @ Chhotu, the petitioner and co-
accused Jaiprakash Choudhary along with others are unloading



the liquor from a truck and are loading the same on a Pick-up van, consequently, raid was laid and from the truck, 587.520 litres and from Pick-up van, 898.50 litres of Indian Made Foreign Liquor were recovered, leading to registration of the case.

It is submitted by learned counsel for the petitioner that the petitioner has no concern either with the seized liquor or vehicles in question, statement to that effect has been made in paragraph 6 of the petition. The petitioner is languishing in custody since 23.01.2020 and investigation has already been concluded. Though the petitioner is accused in three other cases but he is on bail in those cases.

Learned APP for the State submits that on confidential information the vehicles were intercepted which lead to the recovery.

Considering the fact that the learned counsel for the State has not controverted the contention of the petitioner that the petitioner has no concern with the seized liquor or vehicles in question and investigation being concluded, 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 2nd Additional District & Sessions Judge -cum- Special Judge, Excise Act, Darbhanga in



connection with Bishunpur P.S. Case No. 130 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 the learned 2nd Additional District & Sessions Judge -cum- Special Judge, Excise Act, Darbhanga in connection with Bishunpur P.S. Case No. 130 of 2019.

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

(Dinesh Kumar Singh, J)

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