

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14804 of 2020

Arising Out of PS. Case No.-1 Year-2020 Thana- GOVERNMENT OFFICIAL COMP.
District- Nawada

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MOHAN PRASAD @ MOHAN KUMAR Son of Lakhan Mahto @ Lakhan
Kuiiri Resident of Village - Bagi Bardiha, P.S.- Warisaliganj, Distt - Nawada.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Man Mohan Kumar
For the Opposite Party/s : Mr.Anil Prasad Singh

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

4 12-06-2020 The matter has been taken up through virtual court
proceeding.

Heard learned counsels for the petitioner and the
State.

The petitioner, who is languishing in custody since
29.01.2020, has preferred the present application for grant of
bail in a case registered for the offences punishable under
Section 30(a) and 56(d) of the Bihar Prohibition and Excise
Act, 2016, as amended by Amendment Act 8 of 2018.

The prosecution case, as per the prosecution report is
to the effect that on the basis of a confidential information, a
Scorpio vehicle was intercepted from which, 337.5 litres of
country made liquor were recovered. During investigation,



name of the petitioner sprang up as the person who, on seeing the police, escaped from the scene.

It is submitted by learned counsel for the petitioner that the petitioner is neither the owner nor the driver of the vehicle in question, statement to that effect has been made in paragraph no.7 of the petition which reads as follows:-

“That recovery is made from Scorpio vehicle which does not belong to petitioner in any manner petitioner is neither the driver nor the owner of vehicle.”

It is further submitted that recovery has been made on 24.12.2019, whereas the prosecution report was prepared on 25.12.2019, which reached to the court of learned Special Judge, Excise, on 04.01.2020, which suggests that by antedating, the prosecution report has been prepared. The investigation has already been concluded. A statement has been made in paragraph no.3 of the petition that the petitioner is accused in one other case, in which, he is on bail, though, statement regarding the petitioner being on bail in other case, has not been made in the petition.

Learned APP submits that on information that the illicit liquor is being transported at the behest of the petitioner, raid was laid and ultimately, seizure was made.

Considering the fact that investigation has already



been concluded, period under custody and the contention of the petitioner that he is neither the owner nor the driver of the vehicle in question, which has not been controverted by learned APP, 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 Judge-II-cum-Special Judge, Excise Act, Nawada in connection with Government Official Case No. 01 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 including one surety given at the time of provisional bail of the like amount each to the satisfaction of learned Additional District Judge-II-cum-Special Judge, Excise Act, Nawada in connection with Government Official Case No. 01 of 2020.



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

(Dinesh Kumar Singh, J)

Amrendra/-

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