

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20070 of 2020

Arising Out of PS. Case No.-33 Year-2020 Thana- DARAUNDA District- Siwan

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Dhananjay Singh S/o Late Ganesh Singh Resident of Village- Bagaura
Dakshin Tola, P.S.- Dhraunda, District- Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sarva Deo Singh

For the Opposite Party/s : Mr.Bishweshwar Ram

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 07-07-2020 The matter has been taken up through virtual Court proceeding.

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

Since the physical court proceeding is non-functional, due to present pandemic, COVID-19, the matter is listed with defects.

Learned counsel for the petitioner undertakes to remove the defects within three weeks of resumption of physical court proceeding. In the eventuality of non-removal of defects within undertaken period, the office will place the matter before the bench.

The petitioner is apprehending arrest in a case registered for the offences punishable under Sections 30(a) and 38 of the Bihar Prohibition and Excise Act, 2016 as amended by



Act 8 of 2018.

The prosecution case, as per the written report of S.I. -cum- S.H.O., Anil Kumar Singh, Daraunda Police Station submitted to the Additional District & Sessions Judge-II, Siwan, is to the effect that on 29.01.2020 during patrolling duty, the informant received a confidential information that near the door of the petitioner, Dhananjay Singh, co-accused Bholu Pasi on his Bolero and Santro car loaded with Indian Made Foreign Liquor, is trying to sell the same, consequently, a raid was liad and both the vehicles were intercepted but co-accused Bholu Pasi managed to escape from the scene and from both the vehicles, altogether 1089.79 litres of Indian Made Foreign Liquor were recovered and the people near the place of recovery there suggested that co-accused Bholu Pasi is the patronage of the petitioner.

It is submitted by learned counsel for the petitioner that admittedly, the liquor is alleged to have carried by co-accused Bholu Paswi and petitioner has no concern with any of the seized vehicles, statement to that effect has been made in paragraph 11 of the petition. It is further submitted that there is no recovery from conscious physical possession of the petitioner. A statement has been made in paragraph 3 of the



petition that the petitioner is not having any criminal antecedent.

Learned APP submits that the FIR suggests that co-accused Bholu Pasi is patronage of the petitioner.

Considering the fact that the recovery has been made from both the vehicles, statement being made in paragraph 11 of the petition that the petitioner has no concern with the vehicles in question and the same has not been controverted by the learned APP, coupled with the statement made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent, let the petitioner above named be released on provisional anticipatory bail for three months, in the event of arrest or surrender before the learned Court below within a period of 6 weeks from today, on furnishing one surety to the satisfaction of the learned 2nd Additional Sessions Judge -cum- Special Judge, Excise, Siwan in connection with Daraunda P.S. Case No. 33 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 anticipatory bail of the petitioner will be confirmed by the learned Court below within three months on furnishing bail bond of Rs.10,000/- (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 Sessions Judge -cum- Special Judge, Excise, Siwan in connection with Daraunda P.S. Case No. 33 of 2020, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

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

Accordingly, the application is disposed of.

(Dinesh Kumar Singh, J)

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