

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15058 of 2020

Arising Out of PS. Case No.-919 Year-2019 Thana- TURKAULIYA District- East
Champaran

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1. LALBABU MAHTO Son of Hardev Mahto Resident of Village - Khagni,
P.S.- Turkauliya, District - East Champaran.
 2. Jyotish Kumar Son of Ramrekha Pal Resident of Village - Chapwa, P.S.-
Sugauli, District - East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Umesh Chandra Verma, Adv.

For the Opposite Party/s : Mr. Syed Ehteshamuddin, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 11-06-2020 Heard learned counsel for the petitioner and learned
APP for the State.

The matter has been taken up through virtual Court
proceeding.

The petitioners have preferred the present application for
grant of bail in a case registered for the offences punishable
under Sections 272, 273/34 of the Indian Penal Code and
Section 30(a) of the Bihar Prohibition and Excise Act, 2016, as
amended by the Amendment Act 8 of 2018, (hereinafter referred
to as ‘the Act’).

The prosecution case, as per the written report of S.I.,
Pramod Kumar Paswan, S.H.O., Banjariya camp Police Station



submitted before the learned 9th Additional Sessions Judge-cum-Special Judge, Excise Act, Motihari is to the effect that on 29.12.2019, during patrolling, one Mahindra Nova vehicle was intercepted and from the car, total 375.465 litres of Indian Made Foreign Liquor were recovered. The petitioner were found sitting in the vehicle in question, leading to registration of the present case.

It is submitted by learned counsel for the petitioners that petitioners have no concern either with the seized liquor or the with the vehicle in question. A statement to that effect has been made in paragraph no.9 of the petition, which reads as under :-

“9. That, the petitioners have no concern with the alleged liquor and vehicle.”

It is further submitted that the petitioners are languishing in custody since 30.12.2019 and the investigation has already been concluded. A statement has been made in paragraph no.3 of the petition that the petitioners are not having any criminal antecedent.

Learned APP for the State submits that the petitioners were found sitting in the vehicle in question from which the recovery of illicit liquor has been made.

Considering the statement made in paragraph no.9 of



the petition to the effect that the petitioners have no concern either with the seized liquor or with the vehicle in question and the said statement has not been controverted by learned counsel for the State coupled with statement made in paragraph no.3 of the petition that the petitioners are not having any criminal antecedent, let the petitioners 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 9th A.D.J.-cum-Special Judge, Excise, East Champaran, Motihari, in connection with Turkauliya (Banjariya) P.S. Case No. 919 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 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 petitioners which may be transmitted by such surety to the learned Court concerned through e-mode.

The provisional bail of the petitioners will be confirmed by the learned Court below within three months on furnishing bail bond of Rs.10000/- (ten thousand) each with two sureties, including one surety given at the time of provisional bail, of the like amount each to the satisfaction of the learned 9th



A.D.J.-cum-Special Judge, Excise, East Champaran, Motihari,
in connection with Turkauliya (Banjariya) P.S. Case No. 919 of
2019.

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

(Dinesh Kumar Singh, J)

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