

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12515 of 2020

Arising Out of PS. Case No.-839 Year-2019 Thana- SARAIYA District- Muzaffarpur

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NIRAJ KUMAR Son of Shivnath Sah @ Sri Nath Sah Resident of Village -
Bariyariya, P.S.- Sangrampur, District - Motihari at East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ravi Ranjan

For the Opposite Party/s : Mr. Ajay Kumar No. 2

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

4 26-06-2020 The matter has been taken up through virtual

Court proceeding.

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

Learned counsel for the petitioner undertakes to
remove the defects within three weeks of the resumption
of the physical Court proceedings.

In case of non-removal of the defects, the
office will place the matter before the bench.

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



The petitioner is languishing in jail since 14.12.2019 in a case registered for the offence punishable under Sections 414, 420, 406, 379, 120(B) of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act, 2016, as amended by Amendment Act of 2018.

The prosecution case as per the written report of Ajay Kumar Paswan Sub-Inspector-cum-S.H.O, Sarai Police Station is to the effect that on 13.12.2019 at 5:00 P.M. during petrolling, one maruti suzuki silver coloured car was intercepted in which six persons were found sitting, but on seeing the police, five persons managed to escape from the spot, but the driver of the vehicle was apprehended, who disclosed his name as Niraj Kumar, the petitioner. From the possession of the petitioner, 38 ATM cards of different banks were recovered while from the boot space of the car in question, total 18 litres of Indian made foreign liquor was recovered, leading to registration of the present



case.

It is submitted by learned counsel for the petitioner that though petitioner was driving the vehicle in question but he has neither any concern with the vehicle nor with the seized liquor or the ATM cards. The petitioner is languishing in custody since 14.12.2019 and the investigation has already been concluded. A statement has been made in para 3 of the petition that petitioner has no criminal antecedents.

Learned A.P.P. for the State submits that ATM cards were recovered from the petitioner and the petitioner was the driver from which 18 litres of Indian made foreign liquor was recovered.

Considering the fact that investigation has already been concluded, period under custody coupled with the fact that petitioner is not having 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 learned Special Judge, Excise Act, Muzaffarpur in connection with Saraiya P.S. Case No. 839 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 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. 10,000/-(ten thousands) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise Act, Muzaffarpur in connection with Saraiya P.S. Case No. 839 of 2019 including one surety given at the time of provisional bail.

The learned Court below will be 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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