

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13081 of 2020

Arising Out of PS. Case No.-686 Year-2019 Thana- PATNA GRP CASE District- Patna

UMESH RAI S/o Yogendra Rai @ Joginder Ray Resident of Village-
Brahmpur Diar, P.S.- Raghapur, District- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar

For the Opposite Party/s : Mr.Madhuri Lata

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

4 09-07-2020 The matter has been taken up through virtual Court proceeding.

At the outset, as prayed for, learned counsel for the petitioner is permitted to make necessary correction in paragraph 8 of the petition within a period of two weeks of assumption of Court proceeding in physical mode.

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

The petitioner is languishing in jail since 28.12.2019 in a case registered for the offences punishable under Section 273 of the IPC and Section 30(a) of the Bihar Prohibition and Excise Act, 2016 as amended by Act 8 of Amendment Act, 2018.

The prosecution case, as per the written report of Sanjay Kumar Pandit, submitted to the SHO, Rail Aparadh, Bankaghat,



is to the effect that on 27.12.2019, an information was received that liquor is being transported, whereupon the informant found one person carrying liquor in a Jute bag who was intercepted. The apprehended persons disclosed his name as Umesh Rai (petitioner) and from the bag in question, 39 litres of Mahua liquor were recovered.

It is submitted by learned counsel for the petitioner that the petitioner was not aware about the article being kept in the jute bag and he was simply asked to load the bag in the train. Statement has been made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent. The investigation has already been concluded.

Learned APP submits that the recovery has been made from the possession of the petitioner.

Considering the fact that the investigation has already been concluded, statement made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent, coupled with the period in custody, 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 Special Judge, Excise, Patna in connection with Patna Junction (Aparadh Kendra Bankaghat)



No. 686 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.10000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge, Excise, Patna 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 is not resumed in next three months.

(Dinesh Kumar Singh, J)

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