

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13339 of 2020

Arising Out of PS. Case No.-428 Year-2019 Thana- KUCHAIKOTE District- Gopalganj

VINOD @ BINOD, Son of Dharmpal, Resident of Village - Paniyari @
Panihari, Golupanna, P.S.- Baruwada @ Barwala (Rural), District- Hisar
(Haryana)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shashi Shekhar, Adv.

For the Opposite Party/s : Mr. J. N. Thakur, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

4 12-06-2020 Heard learned counsel for the petitioner and learned
APP for the State.

The matter has been taken up through virtual Court
proceeding.

The petitioner has preferred the present application for
grant of bail in a case registered for the offences punishable
under Section 30(a), 32(2), 36, 41(1) 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 Ranjeet Kumar, S.I.-cum-S.H.O., Kuchaikot Police Station submitted before the ADJ-II, Gopalganj is to the effect that on 10.12.2019, during vehicle check, a truck was intercepted and from the truck in question, 5184 litres of Indian Made Foreign Liquor were recovered. The petitioner, being driver of the said truck, was apprehended from the truck.

It is submitted by learned counsel for the petitioner that the the petitioner, being the driver of the vehicle in question was not aware about the consignment of liquor being loaded in the truck. The petitioner is languishing in custody since 11.12.2019 and the investigation has already been concluded. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP for the State submits that the petitioner was well aware about the liquor being loaded in the vehicle in question, hence, a driver cannot say that he was not aware about the consignment of the liquor loaded in the vehicle.

Considering the period under custody, the investigation already being concluded coupled with statement made in paragraph no.3 of the petition that the petitioner is not having any 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 the learned Additional District & Sessions Judge 2nd -cum- Special Judge, Excise, Gopalganj, in connection with Kuchaikote P.S. Case No. 428 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, including one surety given at the time of provisional bail, of the like amount each to the satisfaction of the learned Additional District & Sessions Judge 2nd -cum- Special Judge, Excise, Gopalganj, in connection with Kuchaikote P.S. Case No. 428 of 2019.

The learned Court below will positively cancel the bail bonds of the petitioner, if the petitioner gets involved in similar nature of offence.



The learned Court below will further 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)

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