

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15890 of 2020**

Arising Out of PS. Case No.-886 Year-2019 Thana- DEHRI TOWN District- Rohtas

RAJU SINGH S/o Ashutosh Singh R/o village- Sakhara, P.S.- Dihri (T),
District- Rohtas

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Pandey
For the Opposite Party/s : Mr.Nand Kumar

**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER**

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

Heard learned counsels for the petitioner and the State.

The petitioner, who is languishing in custody since 23.01.2020, has preferred the present application for grant of bail in a case registered for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2016, as amended by Amendment Act 8 of 2018.

The prosecution case, as per the self statement of Subodh Kumar, Inspector - cum-S.H.O., Dehri Town Police Station, recorded on 16.12.2019 at 9.25 A.M., is to the effect that on 15.12.2019 at 11 P.M., during raid, the informant received confidential information that co-accused Ranjan Sao



and Rajesh Kumar @ Tunda have brought consignment of liquor from Punjab and Hariyana. Consequently, the raid was laid and from a truck, a Mahindra Bolero, Alto-800 and Alto K-10, parked in the premises of the house of co-accused Raju Yadav, total 12,224 litres of of Indian Made Foreign Liquor were recovered and three accused persons, namely, Ranjan Saw, Nikesh Kumar and Manish Kumar Mishra were apprehended. The apprehended accused persons disclosed the name of six accused persons including the petitioner, who escaped from the place of seizure, leading to registration of the FIR.

It is submitted by learned counsel for the petitioner that the recovery has not been made from the conscious physical possession of the petitioner. The petitioner is not having any concern either with the alleged vehicles or the with the premises from which, the recovery has been made, statement to that effect has been made in paragraph no. 6 of the petition, relevant portion of the same reads as follows:-

“... No vehicle belongs to the petitioner from which the liquor has been recovered. Neither the compound where the vehicles were parked and raided belongs to the petitioner.....”

It is further submitted that the investigation has already been concluded. A statement has been made in paragraph no.3 of the petition that the petitioner is accused in



one other case, in which he is on bail.

Learned APP submits that huge quantity of illicit liquor has been recovered and the name of the petitioner sprang up on the confession of apprehended co-accused persons.

Considering the fact that the material on record does not suggests the recovery from the conscious physical possession of the petitioner, the investigation has already been concluded and the period under 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 2nd Addl. District and Sessions Judge-cum-Special Judge, Excise, Rohtas in connection with Dehri (T) P.S. Case No. 886 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 learned 2nd Addl. District and Sessions Judge-cum-Special Judge, Excise, Rohtas in connection with Dehri (T) P.S. Case No. 886 of 2019.

The learned Court below will 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.

Accordingly, the present application is disposed of.

(Dinesh Kumar Singh, J)

Amrendra/-

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