

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15887 of 2020

Arising Out of PS. Case No.-213 Year-2019 Thana- DAGARUA District- Purnia

SAJAN RAJ Son of Dasai Ram Resident of Village - Kariho, P.S.- Supaul,
Distt - Supaul.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Alok Kumar Alok

For the Opposite Party/s : Mr.Ashok Kumar Singh

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 12-06-2020 The matter has been taken up through virtual court proceeding.

Heard learned counsel for the petitioner and the State.

The petitioner, who is languishing in custody since 04.11.2019, has preferred the present application for grant of bail in a case registered for the offences punishable under Sections 272, 273, 279, 353 and 427 of the IPC, 1860 and 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 Madhurendra Kishore, S.I. cum S.H.O., Dagarua Police Station is to the effect that on 03.11.2019, during patrolling, a confidential information was received that illicit liquor is being transported by a car, consequently, a Scorpio vehicle was



intercepted, from which, 203.97 litres of Indian Made Foreign Liquor were recovered and the petitioner and co-accused Aslam, who were travelling on the vehicle in question, were apprehended.

It is submitted by learned counsel for the petitioner that the petitioner was simply a passenger in the vehicle in question. He is neither the owner nor the driver of the vehicle in question, statement to that effect has been made in paragraph no. 12 of the petition, which reads as follows:-

“That, it is stated that total 203.97 Liters of foreign wine being recovered from the Mahindra Scorpio Silver vehicle bearing its registration no.-WB72D/0183 and that the petitioner has nothing to do with the alleged recovered articles and more over petitioner has no concern with the seized materials and other co-accused person in any manner.”

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 not having any criminal antecedent. Moreover, similarly situated co-accused person, who was apprehended along with the petitioner, has been granted bail by a Co-ordinate bench of this Court, vide order dated 20.12.2019, passed in Cr. Misc. No. 75943 of 2019.

Learned APP submits that the recovery has been made from the vehicle in which the petitioner and other co-accused



person were found travelling.

Considering the fact that the investigation has already been concluded, contention of the petitioner that he is neither the owner nor the driver of the vehicle in question, which is not being controverted by learned counsel for the State and similarly situated co-accused person being granted bail by a Co-ordinate bench of this Court, 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 Additional Sessions Judge-cum-Special Judge (Excise) Act, Purnia in connection with Dagarua P.S. Case No. 213 of 2019/Special Excise Case No. 937 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
Additional Sessions Judge-cum-Special Judge (Excise) Act,
Purnia in connection with Dagarua P.S.Case No. 213 of
2019/Special Excise Case No. 937 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.

(Dinesh Kumar Singh, J)

Amrendra/-

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