

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14221 of 2020

Arising Out of PS. Case No.-445 Year-2019 Thana- BIHPUR District- Bhagalpur

RAVI SHANKAR THAKUR S/o Yogendra Thakur Resident of Village-
Dayalpur, P.S.- Jhandapur (Bihpur), Distt- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Davendra Kumar Pandey

For the Opposite Party/s : Mr.Ram Priya Sharan Singh

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

3 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 offence punishable
under Sections 25(1-B)a, 26, 35 of the Arms Act and Sections
30(a), 38(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 self statement of Pankaj
Kumar, S.I.- cum -S.H.O., Jhandapur O.P. is to the effect that on
30.11.2019 at 6.30, in the evening, information was received



that Ravi Shankar Thakur, the petitioner who deals with illicit liquor has been seen at his house. Consequently, a raid was laid, but on seeing the police party, the petitioner tried to flee away and on chase being made, the petitioner was apprehended. Subsequently, from the possession of the petitioner, one country made gun and a cartridge were recovered. On the basis of disclosure of the petitioner, from a dilapidated bathroom situated behind the house of the petitioner, 3.6 litres of Indian Made Foreign Liquor were recovered and on his statement, the house of co-accused, Banti Kumar Singh was raided and from there, 351.9 litres of Indian Made Foreign Liquor were recovered.

It is submitted by learned counsel for the petitioner that the recovery of liquor has not been made from the conscious physical possession of the petitioner and the bathroom from which recovery has been made is dilapidated one which is outside of the house of the petitioner. The petitioner is languishing in custody since 01.12.2019 and investigation has already been concluded. It is further submitted that the petitioner is accused in one other case, but he is on bail in that case.

Learned APP for the State submits that the recovery of



arms and illicit liquor has been made from the house of the petitioner.

Considering the nature of recovery, period under custody and the investigation already being concluded, 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, Bhagalpur, in connection with Bihpur (Jhandapur) P.S. Case No. 445 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, Bhagalpur, in connection with Bihpur (Jhandapur) P.S.



Case No. 445 of 2019.

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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