

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13963 of 2020

Arising Out of PS. Case No.-215 Year-2019 Thana- JAMOBABAZAR District- Siwan

1. RAKESH, Son of Satyavir Singh, Resident of Village- Matan, P.S.- Bahadurganj, District- Jajar (Harayana).
2. Rajesh @ Mahanand, Son of Ram Kumar, Resident of Village- Matan, P.S.- Bahadurganj, District- Jajar (Harayana).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Tiwary, Adv.

For the Opposite Party/s : Mr. Lakshmi Kant Sharma, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

4 13-07-2020 The Court proceeding has been conducted through virtual mode.

The petitioners have preferred the present application for grant of bail in a case registered for the offences punishable under Sections 272, 273, 308 and 34 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act, 2016, as amended by the Amendment Act 8 of 2018.

The prosecution case, as per the written report of Suraj Prasad, S.I. of Police-cum-SHO, Jehanabad Police Station, submitted to the learned Additional Sessions Judge II-cum-Special Judge (Excise), Siwan is to the effect that on 19.12.2019 at 1.00 A.M., a spy informed that in the village Bhopatpur, a



truck loaded with illicit liquor has been parked and near the truck a white coloured Scorpio vehicle and some motorcycles are also parked. Consequently, a raid was laid and six persons, including the petitioner, were arrested. From the truck in question, 3924.720 litres of Indian Made Foreign Liquor were recovered.

It is submitted by learned counsel for the petitioners that the petitioners was driving the truck in question but they were not aware about the liquor being loaded in the truck. Investigation has already been concluded. Statement has been made in paragraph 3 of the petition that the petitioners are not having any criminal antecedent. It is further submitted that there is no likelihood of the trial being concluded in near future due to present pandemic, Covid 19. The petitioners is in custody since 20.12.2019.

Learned APP submits that huge quantity of liquor has been recovered from the truck in question of which petitioners were driver and cleaner.

Considering the fact that investigation has already been concluded and there is no likelihood of the trial being concluded in near future due present pandemic, Covid 19, coupled with the period in custody, let the petitioners 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, Siwan, in connection with Jamo Bazar P.S. Case No. 215 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 petitioners which may be transmitted by such surety to the learned Court concerned through e-mode.

The provisional bail of the petitioners will be confirmed by the learned Court below within three months on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties, including one surety given at the time of provisional bail of the like amount each to the satisfaction of the learned 2nd Additional Sessions Judge-cum-Special Judge, Excise, Siwan, in connection with Jamo Bazar P.S. Case No. 215 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.



Since the petitioners are residents of outside State, they must produce local bailors.

The learned Court below will be at further liberty to cancel the bail bonds of the petitioners in case they default on two consecutive occasions.

(Dinesh Kumar Singh, J)

anil/-

U		T	
---	--	---	--

