

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14202 of 2020

Arising Out of PS. Case No.-188 Year-2018 Thana- BALIYA District- Begusarai

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SOHAN SINGH Son of Late Kailash Singh Resident of Village - Lakhminia,
P.S. - Ballia, District - Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Shubhesh Pandey
For the Opposite Party/s : Mr.Sangeeta Sharma

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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 12.02.2020, has preferred the present application for grant of bail in a case registered for the offences punishable under Sections 30(a), 32 and 41(i) 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 Sunil Kumar, S.H.O., Baliya Police Station, recorded on 05.07.2018 at 6 A.M. is to the effect that on 05.07.2018, during night patrolling, secret information was received that one Bhola Mahto, who deals with the trade of illicit liquor, has brought



illicit liquor. Consequently, raid was laid, but the Creta vehicle could not intercepted, but ultimately 1649 litres of Indian Made Foreign Liquor were recovered from the Mohanpur Dhaw, leading to registration of FIR. The petitioner was not named in the FIR. Subsequently, his name sprang up on the confession of co-accused Mukesh Kumar. The involvement of the petitioner also got transpired from the Call Detail Report of the mobile phone of the petitioner, which suggests that at the time of seizure, the petitioner was in the locality of place of seizure.

Learned counsel for the petitioner submits that admittedly, recovery has not been made from the conscious physical possession of the petitioner and only on the basis of suspicion, the petitioner has been roped in the present case. Moreover, the investigation has already been concluded. A statement has been made in paragraph no.3 of the petition that the petitioner is accused in three other cases, in which he is on bail.

Learned counsel for the State submits that the name of the petitioner transpired during investigation on the confession of co-accused person.

Considering the fact that material on records does not suggests that the recovery has been made 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 Additional Sessions Judge-II-cum-Special Judge, Excise Act, Begusarai in connection with Balliya P.S. Case No. 188 of 2018.

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 Additional Sessions Judge-II-cum-Special Judge, Excise Act, Begusarai in connection with Balliya P.S. Case No. 188 of 2018.

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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