

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17075 of 2020**

Arising Out of PS. Case No.-154 Year-2019 Thana- GOVERNMENT OFFICIAL COMP.
District- Vaishali

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Pawan Kumar @ Pawan Rai Son of Jamun Rai @ Jamun Ray Resident of
Harpur Belwa, P.S.-Mahua, District-Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Anuj Kumar

For the Opposite Party/s : Mr.Ashraf Ansari

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**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
learned APP for the State.

The present application has been preferred on
behalf of the petitioner for grant of bail in connection with a
case registered for the offences punishable under Section 30(a)
of Bihar Prohibition and Excise Act, 2016 as amended by Act 8
of 2018.

The prosecution case, as per the prosecution report
submitted by Ajit Kumar, Inspector, Excise, is to the effect that
the house of the petitioner was raided, when seeing the police
party the accused persons escaped from the scene but during
further search, from a hutment situated behind the house of the



petitioner, total 292.04 litres of Indian Made Foreign Liquor were recovered.

It is submitted by learned counsel for the petitioner that the recovery has not been made from conscious physical possession of the petitioner rather the same has been made from an open area. The petitioner is accused in one another case in which he is on bail. The petitioner is languishing in custody since 21.01.2020 and investigation has already been concluded.

Learned APP for the State submits that the recovery has been made from the hutment of the petitioner.

Considering the fact that the recovery has been made from an open area and investigation 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 Sessions Judge 2nd -cum- Excise Court, Vaishali at Hajipur in connection with C2A Case No. 154/2019, arising out of P.R. No. 13/19.

However, in view of the present pandemic COVID-19, it will be open for the learned Court below to accept the bail bond upon 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 Sessions Judge 2nd -cum- Excise Court, Vaishali at Hajipur in connection with C2A Case No. 154/2019, arising out of P.R. No. 13/19.

The learned Court below is at liberty to further extend the period of provisional bail if the court proceeding in physical mode will not resume in next three months.

(Dinesh Kumar Singh, J)

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