

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18193 of 2020

Arising Out of PS. Case No.-26 Year-2020 Thana- SIDHWALIYA District- Gopalganj

RAJ NARAYAN SAH Son of Pundeoh Sah Resident of Village - Sareya Pahar,
P.S.- Sidhwalia, District - Gopalganj.

.. ... Petitioner

Versus

THE STATE OF BIHAR

... ... Opposite Party

Appearance :

For the Petitioner/s : Mr.Indrajeet Bhushan

For the Opposite Party/s : Dr. (Mrs.) Indihar Kumari, APP

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 13-05-2020 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor appearing on behalf of the State.

This application for grant of regular bail arises out of Sidhwalia P.S. Case No. 26 of 2020 registered for the offence punishable under Section 414 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act.

From the possession of the petitioner and co-accused Baliram Prasad, the police are said to have recovered 40 liters of country made liquor. The petitioner is in custody since 07.02.2020. It transpires from the averments made in paragraph 3 of the application that there is another criminal case of the same nature pending against the petitioner.

Learned counsel for the petitioner has, however, submitted that his implication neither in the earlier case nor in the present one is justified.



Be that as it may, considering the quantity of liquor said to have been recovered from two persons including this petitioner and the period of custody, this application is allowed.

Let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional District Judge-II-cum-Special Judge, Excise, Gopalganj, in Sidhwalia P.S. Case No. 26 of 2020.

It is, however, observed that if the petitioner is again found indulging in such activities subsequent to his release on bail by virtue of the present order, the prosecution shall be obliged to apply for cancellation of his bail.

Since there is a lock down, the Court has considered it appropriate to adopt following procedure for communication of the present order :-

(i) The order, which has been dictated during the course of the proceedings of virtual Court, shall be communicated to me on my e-mail I.D. by the Secretary.

(ii) The corrected copy of the order shall be transmitted by me from my e-mail I.D. to the Secretary, which shall be treated to be the authentic copy of the order passed by this Court today in the present proceeding.



(iii) Hard copy of the order, duly signed by me, shall be preserved in my residential-office for documentation and future use, if any.

(iv) The said order shall be communicated to the Court below for the needful by the Registry through e-mail.

Let steps be taken by the Registry for uploading of the present order without compromising with the norms of social distancing.

(Chakradhari Sharan Singh, J)

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