

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16107 of 2020

Arising Out of PS. Case No.-74 Year-2020 Thana- BEGUSARAI TOWN District- Begusarai

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SUNIL JHA Son of Prabhakar Jha Resident of Village - Nayagown, P.S.-
Nayagown, Distt - Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sandip Kumar Gautam

For the Opposite Party/s : Mr.Anish Chandra

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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 counsels for the petitioner and the State.

The petitioner, who is languishing in custody since 29.01.2020, has preferred the present application for grant of bail in a case registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2016, as amended by Amendment Act 8 of 2018.

The prosecution case, as per the written report of Rampratap Pawan, S.I. of police, submitted to the S.H.O.



Begusarai Town Police Station is to the effect that on 29.01.2020, a confidential information was received that by a tractor, huge quantity of illicit liquor is being transported, consequently, raid was laid leading to interception of a tractor and apprehension of its driver, who disclosed his name as Mritunjay Singh. From the tractor in question, 733.500 litres of Indian Made Foreign Liquor were recovered. The apprehended co-accused person further confessed that the seized liquor was supplied to him by the petitioner and co-accused, Gautam @ Bablu Singh.

It is submitted by learned counsel for the petitioner that recovery has not been made from the conscious physical possession of the petitioner. The name of the petitioner sprang up on the confession of apprehended co-accused person. It is further submitted that 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 APP submits that the name of the petitioner sprang up on the confession of apprehended co-accused person.

Considering the fact that no recovery has been made from the conscious physical possession of the petitioner, period



under custody and the fact that the investigation has already been 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 II, Begusarai cum Special Judge, Bihar Prohibition and Excise Act, 2016 in connection with Town P.S. Case No. 74 of 2020.

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 Additional Sessions Judge II, Begusarai cum Special Judge, Bihar Prohibition and Excise Act, 2016 in connection with Town P.S. Case No. 74 of 2020.

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.

(Dinesh Kumar Singh, J)

Amrendra/-

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