

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18407 of 2020

Arising Out of PS. Case No.-27 Year-2020 Thana- DIGHA District- Patna

Kundan Rai Son of Ishwar Prasad Resident of Village/Mohalla - Baskoti
Hostel, Gali, No. 93, P.S.- Digha, Distt - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Binay Kumar Singh
For the Opposite Party/s : Mr.Kumar Ranjit Ranjan

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 03-06-2020 The matter has been taken up through virtual court
proceeding.

The petitioner, who is languishing in custody since 14.01.2020, has preferred the present application for grant of bail in a case registered for the offence 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 Srikant Singh, submitted to the S.H.O., Digha Police Station is to the effect that on 12.01.2020, during patrolling, a secret information was received that on an auto rickshaw, liquor is being transported, consequently, the auto rickshaw was intercepted and the driver, Rahul Kumar and the petitioner, who were sitting in the auto rickshaw, were apprehended. From the vehicle in question, 31.508 litres of Indian Made Foreign Liquor



were recovered.

From perusal of the pleadings, it appears that the petitioner does not own the liquor or the vehicle in question. The petitioner was simply the passenger, hence, recovery cannot be treated from the conscious physical possession of the petitioner. It further appears that the investigation has already been concluded and the petitioner is languishing in custody since 14.01.2020. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP submits that the petitioner was transporting the liquor through an auto rickshaw.

Considering the nature of recovery, investigation being already concluded and period under custody coupled with the fact that the petitioner is not having any criminal antecedent, 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 Special Judge, Excise, Patna in connection with Special Case No. 528 of 2020 arising out of Digha P.S. Case No. 27 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 learned Special Judge, Excise, Patna in connection with Special Case No. 528 of 2020 arising out of Digha P.S. Case No. 27 of 2020.

The learned Court below will be at liberty to extend the further period of provisional bail if the lockdown is not over in next three months.

(Dinesh Kumar Singh, J)

Amrendra/-

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