

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16086 of 2020

Arising Out of PS. Case No.-9 Year-2020 Thana- JALE District- Darbhanga

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Santosh Nayak Son of Sri Chandeshwar Nayak @ Chandeshwar Nayak
Resident of Village - Latraha (Katraul), P.O and P.S.- Jale, Distt.- Darbhanga.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Amrit Abhijat

For the Opposite Party/s : Mr.Sanjay Kumar Sharma

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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 the State.

The petitioner, who is languishing in custody since 11.02.2020, 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 Shiv Kumar Ram, S.I. of Police, submitted to the S.H.O., Jale Police Station is to the effect that on 15.01.2020, during night patrolling, a truck was intercepted and a person was apprehended, who disclosed his name as Lalit Nayak. From the truck in question, 2476.8 litres of Indian Made Foreign Liquor



were recovered. The apprehended co-accused person further disclosed that the liquor was being brought by his brother, Santosh Nayak, the petitioner.

It is submitted by learned counsel for the petitioner that recovery has not been made from the conscious physical possession of the petitioner and his name sprang up on the confession of apprehended co-accused person. Investigation has already been concluded. A statement has been made in paragraph no.3 of the petition that the petitioner is accused in two other cases.

Learned APP submits that the name of the petitioner sprang up on the confession of apprehended co-accused person.

Considering the fact that prosecution has not been able to identify the owner of the vehicle in question and 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 2nd Additional Sessions Judge-cum-Special Judge (Excise), Darbhanga in connection with Jale P.S. Case No. 09 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 2nd Additional Sessions Judge-cum-Special Judge (Excise), Darbhanga in connection with Jale P.S. Case No. 09 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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