

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18361 of 2020

Arising Out of PS. Case No.-267 Year-2019 Thana- BAHADURPUR District- Patna

Raushan Kumar @ Mama Son of Mahendra Prasad @ Mahendra Roy @ Mahesh Prasad @ Harendra Rai A resident of Mohalla- Panchwatinagar, Bazar Samittee, P.S.- Bahadurpur, District- Patna, Permanent Address- Resident of Village- Terasiya, P.S.- Ganga Bridge, District- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arvind Kumar Mouar

For the Opposite Party/s : Mr.Akbar Ali

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 24.12.2019, 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 Pradeep Mamih, S.I. of Police, submitted to the S.H.O., Bahadurpur Police Station is to the effect that on 23.09.2019 at about 4 A.M., during patrolling one person was apprehended, who disclosed that huge quantity of liquor is being kept in the house of co-accused Deepak Kumar. Consequently, the house of co-accused Deepak Kumar was raided and 86.625 litres of



Indian Made Foreign Liquor were recovered. Co-accused Deepak Kumar suggested that the house was taken on rent by the petitioner Raushan Kumar @ Mama.

From the pleading made in the petition, it appears that admittedly, recovery has not been made from the conscious physical possession and the petitioner was not apprehended from the spot. The recovery has been made from the house of co-accused Deepak Kumar. The investigation has already been concluded and the petitioner is languishing in custody since 24.12.2019. 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 recovery has been made from the house which was hired by the petitioner.

Considering the fact that there is nothing on record to suggests that the petitioner hired the place of seizure, period under custody, the investigation has been concluded and the petitioner having no 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. 8560 of 2019 arising out of Bahadurpur P.S. Case No. 267 of 2019.



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. 8560 of 2019 arising out of Bahadurpur P.S. Case No. 267 of 2019..

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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