

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15750 of 2020

Arising Out of PS. Case No.-215 Year-2019 Thana- JAMOBABAZAR District- Siwan

RAJ KUMAR, Son of Munna Prasad, Resident of Village - Jamo Bazar, P.S.-
Jamo Bazar, Distt - Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raghav Prasad, Adv.

For the Opposite Party/s : Mr. Pushpa Sinha-1, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

4 13-07-2020 The Court proceeding has been conducted through
virtual mode.

The petitioner has preferred the present application for grant of bail in a case registered for the offences punishable under Sections Sections 272, 273, 308/34 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act, 2016, as amended by the Amendment Act 8 of 2018, (hereinafter referred to as 'the Act').

The prosecution case, as per the written report of Suraj Prasad, S.I. of Police-cum-SHO, Jehanabad Police Station, submitted to the learned Additional Sessions Judge II-cum-Special Judge (Excise), Siwan is to the effect that on 19.12.2019



at 1.00 A.M., a spy informed that in the village Bhopatpur, a truck loaded with illicit liquor has been parked. Consequently, a raid was laid and six persons, including the petitioner, were arrested. From the truck in question, 3924.720 litres of Indian Made Foreign Liquor were recovered.

It is submitted by learned counsel for the petitioner that the petitioner claims to have no concern with the vehicles in question. A statement to that effect has been made in paragraph 9 of the petition. Further statement has been made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent. It is further submitted that there is no likelihood of the trial being concluded in near future due to present pandemic, Covid 19. The petitioners is in custody since 20.12.2019.

Learned APP submits that the petitioner and others were found unloading the liquor.

Considering the nature of accusation and the fact that the learned APP has not controverted this fact that the petitioner has no concern with the vehicles in question, there is no likelihood of the trial being concluded in near future due present pandemic, Covid 19, coupled with the period in custody, 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-cum-Special Judge, Excise, Siwan in connection with Jamo Bazar P.S. Case No. 215 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.10,000/- (ten thousand) each with two sureties, including one surety given at the time of provisional bail of the like amount each to the satisfaction of the learned Additional Sessions Judge-II-cum-Special Judge, Excise, Siwan in connection with Jamo Bazar P.S. Case No. 215 of 2019.

The learned Court below will further 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.

The learned Court below will be at liberty to cancel



the bail bonds of the petitioner in case they default on two consecutive occasions.

(Dinesh Kumar Singh, J)

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