

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.19083 of 2020

Arising Out of PS. Case No.-1275 Year-2019 Thana- AHYAPUR District- Muzaffarpur

1. Sujeet Kumar @ Sujit Kumar Son of Mitabi Ray Resident of Village - English, P.S.- Amarpur, Distt - Banka (Bihar).
2. Subodh Sah Son of Ganpat Sah Resident of Village - Bela, P.S.- Amarpur, Distt - Banka (Bihar).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anish Kumar

For the Opposite Party/s : Mrs. Pronoti Singh

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 14-09-2020 The matter has been taken up through virtual Court proceeding.

Since the court proceeding is non-functional in physical mode due to the present pandemic COVID-19, the matter is listed with defects.

Learned counsel for the petitioner undertakes to remove the defects within three weeks of the resumption of the physical Court proceedings.

In case of non-removal of the defects within undertaken period, the office shall place the matter before the bench.

Heard learned counsel for the petitioners and learned counsel for the State.

The petitioners are languishing in custody since



23.10.2019 in a case registered for the offences punishable under Sections 272, 273 of the Indian Penal Code, 1860 and Section 30(a), 36, 38 of the Bihar Prohibition & Excise Act, 2016, as amended by Amendment Act 8 of 2018.

Earlier the prayer for bail of the petitioners was directed to be withdrawn vide order dated 19.12.2019 passed in Cr. Misc. No. 84368 of 2019 with a liberty to renew their prayer for bail after two months. The office note dated 07.09.2020 reflects that it has been directed to be listed before a regular bench.

The prosecution case as per the written report of Awadhesh Kumar Ram, submitted to the S.H.O, Ahiyapur Police Station is to the effect that on 22.10.2019 at 10:00 P.M, during patrolling, a Maruti Suzuki car was intercepted from which, 107.625 litres of Indian Made Foreign Liquor and 10 bottles of king fisher beer each containing 650 ml were recovered.

It is submitted by learned counsel for the



petitioners that the vehicle in question does not belong to the petitioners nor the petitioners have any concern with the recovered liquor. A statement to that effect has been made in para 7 of the petition which reads as under:-

"That the petitioners have no concern with the illicit liquor as well as seized car"

Moreover, the investigation has already been concluded and the petitioners are not having any criminal antecedent, statement to that effect has been made in para 3 of the petition.

Learned A.P.P. submits that petitioners were apprehended from the car from which recovery was made.

Considering the fact that earlier the prayer for bail was withdrawn with liberty to renew prayer for bail after two months coupled with the fact that petitioners are not having any criminal antecedent and the investigation has already been concluded, let the petitioners, above named, be released on bail, for the



present, provisionally for a period of three months on furnishing one surety to the satisfaction of learned Special Judge (Excise), Muzaffarpur in connection with Ahiyapur P.S. Case No. 1275 of 2019, G.R. No. 2044 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 thousands) with two sureties of the like amount each to the satisfaction of Special Judge (Excise), Muzaffarpur in connection with Ahiyapur P.S. Case No. 1275 of 2019 including one surety given at the time of provisional bail.



The learned Court below will be at liberty to further extend the period of provisional bail if the Court proceeding in physical mode will not resume in next three months.

Accordingly, the present application stands disposed of.

(Dinesh Kumar Singh, J)

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