

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16034 of 2020

Arising Out of PS. Case No.-206 Year-2019 Thana- HASANPUR District- Samastipur

1. GYAN SINGH YADAV Son of Bhagwan Singh Resident of Village - Nasullahpur, P.S.- Ujhani, Distt - Badaun, State - U.P.
2. Naresh Kumar Son of Murari Lal Resident of R.J. Pur, Alwar, P.S. and Distt - Alwar, State - Rajsthan.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjit Kumar Yadav, Adv.

For the Opposite Party/s : Mr. Ajay Kumar No. 2, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 15-06-2020 Heard learned counsel for the petitioners and learned
APP for the State.

The matter has been taken up through virtual Court proceeding.

The petitioners have preferred the present application with a prayer for grant of bail in a case registered for the offences punishable under Sections 25(1-B)a, 26, 35 of the Arms Act 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 Sanjay Kumar, S.I., Hasanpur Police Station submitted before the



Hasanpur Police Station is to the effect that 30.09.2019, during night patrolling an information was received that co-accused, Bablu Kumar and Sajan Kumar have stored liquor in the house of co-accused, Sanjeev Kumar. Consequently, the house of co-accused, Sanjeev Kumar was raided where all the accused persons, including the petitioner while consuming liquor were apprehended. During frisking, from the house of co-accused, Sanjeev Kumar, one loaded country made pistol and 742 litres of Indian Made Foreign liquor were recovered. Thereafter, on the disclosure of one of the apprehended co-accused, Naresh Kumar, a truck was intercepted and from the truck total, 13 cartons of 180 ml each Indian Made Foreign Liquor were recovered. The petitioners being the driver and the cleaner of the truck in question were apprehended.

It is submitted by learned counsel for the petitioners that the petitioners were not aware about the articles being loaded in the truck in question. Similarly situated co-accused has been granted bail by a Co-ordinate bench of this Court vide order dated 29.11.2019 passed in Criminal Miscellaneous No.74875 of 2019. The petitioner is languishing in custody since 03.10.2019 and the investigation has already been concluded. A statement has been made in paragraph no.3 of the petition that



the petitioners are not having any criminal antecedent.

Learned APP for the State submits that the petitioners were the driver and cleaner of the truck from which recovery was made.

Considering the fact that similarly situated co-accused has been granted bail by a Co-ordinate bench of this Court, the investigation already being concluded and the period under custody coupled with statement made in paragraph no.3 of the petition with regard to criminal antecedent of the petitioners and the said statement not being controverted by learned counsel for the State, 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 the learned Additional District & Sessions Judge 2nd -cum- Special Judge, Excise, Samastipur, in connection with Hasanpur P.S. Case No. 206 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 the learned Additional District & Sessions Judge 2nd -cum- Special Judge, Excise, Samastipur, in connection with Hasanpur P.S. Case No. 206 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.

(Dinesh Kumar Singh, J)

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