

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16106 of 2020

Arising Out of PS. Case No.-340 Year-2019 Thana- SAKRA District- Muzaffarpur

1. AMIT KUMAR S/o Upendra Singh Resident of Village-Mura Harlochanpur, Ward No.09, P.S-Sakra, District-Muzaffarpur.
2. Anubhav Kumar S/o Upendra Singh Resident of Village-Mura Harlochanpur, Ward No.09, P.S-Sakra, District-Muzaffarpur.
3. Abhishek Kumar S/o Upendra Singh Resident of Village-Mura Harlochanpur, Ward No.09, P.S-Sakra, District-Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Devendra Kumar

For the Opposite Party/s : Mr.Syed Mojibur Rahman

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 petitioners and the State.

The petitioners, who are languishing in custody since 12.02.2020, have preferred the present application for grant of bail in a case registered for the offences punishable under Sections 272 and 273 of the IPC, 1860 and 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 self statement of Rajesh Kumar, S.I.-cum-S.H.O., Sakra Police Station recorded on 11.07.2019 at 4.40 P.M., is to the effect that on the same day, a confidential information was received that the all the FIR named accused persons including the petitioners have stored huge quantity of illicit liquor in the cattle shed of the petitioner no.1, Amit Kumar, consequently, raid was laid and from the cattle shed of co-accused Upendra Singh, 23.850 litres of Indian Made Foreign Liquor were recovered. The name of the petitioners sprang up on the disclosure made by the local persons to the effect that all the accused persons including the petitioners are involved in the illicit trade of liquor.

It is submitted by learned counsel for the petitioners that recovery has not been made from the conscious physical possession of the petitioners. 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.

It is submitted by learned counsel for the State submits that local people suggested that the petitioners and other co-accused persons have stored the illicit liquor and the



petitioners are named in the FIR.

Considering the fact that the place of recovery does not belong to any of the petitioners, the period under custody and investigation already being concluded coupled with the fact that the petitioners are not having any criminal antecedent, 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 Special Judge, Excise, Muzaffarpur in connection with Sakra P.S. Case No. 340 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 petitioners which may be transmitted by such surety to the learned Court concerned through e-mode.

The provisional bail of the petitioners will be confirmed by the learned Court below within three months on furnishing bail bond of Rs.10000/- (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 Special Judge, Excise, Muzaffarpur in connection with Sakra P.S. Case No. 340



of 2019.

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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