

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16503 of 2020

Arising Out of PS. Case No.-16 Year-2020 Thana- MASAUDHI District- Patna

1. Dharmendra Kumar @ Dharmendra Kumar Raj @ Dharmendra Kumar Ray
Son of Late Krishna Choudhary Resident of Village - Bhagaul Bazar, P.S.-
Pipra, District - Patna.
2. Pintu Kumar Son of Sidheshwar Ram Resident of Village - Bhagaul Bazar,
P.S.- Pipra, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.Kumar Ranjit Ranjan

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 12-06-2020 The matter has been taken up through virtual Court proceeding.

None appears for the petitioners. However, learned APP appearing for the State is present.

The present application has been preferred on behalf of the petitioners for grant of bail in connection with a case registered for the offences punishable under Sections 30(a) and 37(b) of Bihar Prohibition and Excise Act, 2016 as amended by Act 8 of 2018.

The prosecution case, as per the written report of S.I., Doman Paswan submitted to the Station House Officer, Masaurhi Police Station, is to the effect that on 09.01.2020 during patrolling, a confidential information was received that



three persons are carrying liquor on a motorcycle, consequently, during vehicle check, one motorcycle was intercepted and three persons were apprehended, who disclosed their name as Dharmendra Kumar and Pintu Kumar, the petitioners and co-accused Bablu Paswan and total 70 litres of country made liquor were recovered.

From the pleadings, it appears that the recovery has not been made from conscious physical possession of the petitioners and motorcycle in question does not belong to the petitioners, statement to that effect has been made in paragraph 8 of the petition, which reads as follows:-

“That the motorcycle does not belong to the petitioners.”

The petitioners are languishing in custody since 11.01.2020 and investigation has already been concluded. A statement has been made in paragraph 3 of the petition that the petitioners are not having any criminal antecedent.

Learned APP for the State submits that the recovery has been made from the petitioners.

Considering the fact that the learned counsel for the State does not controvert the statement of the petitioners that the motorcycle in question does not belong to the petitioners, the



fact that investigation has already been concluded and statement being made in paragraph 3 of the petition 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), Patna in connection with Masaurhi P.S. Case No. 16 of 2020.

However, in view of the present pandemic COVID-19, it will be open for the learned Court below to accept the bail bond upon 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 petitioner 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 the learned Special Judge (Excise), Patna in connection with Masaurhi P.S. Case No. 16 of 2020.

The learned Court below is at liberty to further



extend the period of provisional bail if the court proceeding in
physical mode will not resume in next three months.

(Dinesh Kumar Singh, J)

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