

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16015 of 2020**

Arising Out of PS. Case No.-44 Year-2020 Thana- GOVERNMENT OFFICIAL COMP.
District- Begusarai

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NARAJ KUMAR, S/o Vinod Rai, R/o village- Amarpur, Ward No.- 4, P.S.-
Barauni, District- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Binod Kumar, Adv.

For the Opposite Party/s : Mr. Parmanand Prasad, APP

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER**

3 11-06-2020 Heard learned counsel for the petitioner and learned
APP for the State.

The matter has been taken up through virtual Court
proceeding.

The petitioner has preferred the present application for
grant of bail in a case registered for the offence punishable
under 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 prosecution report
submitted by the Excise Inspector, Excise Department is to the
effect that on 12.02.2020, the Excise Inspector upon receiving a
secret information, conducted a raid and intercepted a pick up



van and from the van, total 1062.720 litres of Indian Made Foreign Liquor were recovered. The petitioner was found to be the driver of the vehicle in question.

It is submitted by learned counsel for the petitioners that petitioner has no concern either with the seized liquor or the with the vehicle in question. A statement to that effect has been made in paragraph no.11 of the petition, which reads as under :-

“9. That petitioner has no concern with alleged seized wine or alleged pick-up van.

It is further submitted that the petitioner has been roped in the present case only on the basis of suspicion. The petitioner is languishing in custody since 12.02.2020 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 petitioner was found to be the driver of the vehicle in question.

Considering the statement made in paragraph no.11 of the petition to the effect that the petitioner has no concern either with the seized liquor or with the vehicle in question and the said statement has not been controverted by learned counsel for the State, investigation already being concluded coupled with



statement made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent, 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 2nd A.D.J.-cum-Special Judge, Excise Act, Begusarai, in connection with Complaint Case No. 44C2/2020.

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 the learned 2nd A.D.J.-cum-Special Judge, Excise Act, Begusarai, in connection with Complaint Case No. 44C2/2020.

The learned Court below will further be at liberty to extend the period of provisional anticipatory bail further if the



court proceeding in physical mode will not resume in next three months.

(Dinesh Kumar Singh, J)

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