

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16705 of 2020

Arising Out of PS. Case No.-52 Year-2020 Thana- ARWAL District- Jehanabad

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AMARESH KUMAR S/o Lalo Rai Resident of Village- Basauli, P.S.-
Kudhani, Distt- Muzaffarpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Sinha

For the Opposite Party/s : Mr.Nand Kumar

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

4 10-07-2020 The Court proceeding has been conducted through
virtual mode.

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

As prayed for, learned counsel for the petitioner is
permitted to make necessary correction in paragraph 1 of the
petition.

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 Amendment Act 8 of 2018.

The prosecution case, as per the written report of
S.I., Krishna Kumar, submitted to the SHO, Arwal Police
Station is to the effect that on 9.2.2020, during investigation of a



criminal case, a confidential information was received that through a truck, liquor is being transported. Consequently, the truck was intercepted and the petitioner being the driver of the truck in question was apprehended and from the truck in question, 2006 litres of Indian Made Foreign liquor was recovered.

It is submitted by learned counsel for the petitioner that the petitioner was not aware about the articles loaded in the truck in question. Investigation has already been concluded. Statement has been made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent. The petitioner is in custody since 11.2.2020.

Learned APP submits that huge quantity of liquor has been recovered from the truck in question which was being driven by the petitioner.

Considering the fact that investigation has already been concluded and statement made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent, coupled with the period in custody, 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 Special Judge, Excise, Jehanabad in



connection with Arwal P.S. Case No. 52 of 2020 (Excise Case No. 182 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 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 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 Special Judge, Excise, Jehanabad in connection with Arwal P.S. Case No. 52 of 2020 (Excise Case No. 182 of 2020).

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.

Let office also make correction in paragraph 1 as it has wrongly been stated as Special Judge, Jehanabad instead of Special Judge, Muzaffarpur.



Accordingly, the present application is disposed of.

(Dinesh Kumar Singh, J)

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