

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16890 of 2020

Arising Out of PS. Case No.-26 Year-2020 Thana- GOVERNMENT OFFICIAL COMP.
District- Jamui

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Badal Kumar Son of Late Shivji Mahto Resident of Mali Tola, Ward No. 32,
Begusarai, P.S.- Town Begusarai, District - Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Satya Prakash Parasar
For the Opposite Party/s : Mr.Uday Pratap Singh

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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 petitioner and
learned APP for the State.

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

The prosecution case, as per the prosecution report
submitted by Shivnandan Singh, Sub-Inspector, Excise, is to the
effect that the informant received a confidential information that
illicit liquor is being transported by a car, whereupon, during



vehicle chek, a Maruti Suzuki Car was intercepted and altogether 93.500 litres of beer were recovered from the car in question and the petitioner was apprehended.

It is submitted by learned counsel for the petitioner that the petitioner has no concern with the vehicle in question, statement to that effect has been made in paragraph nos. 8 and 9 of the petition, which reads as follows:-

“That it is further submitted that the petitioner is not owner of the vehicle in question from which the Excise material/liquor has been recovered.

That it is further submitted that the petitioner is neither driver of the said vehicle.”

The petitioner is languishing in custody since 23.01.2020 and investigation has already been concluded. A statement has been made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP for the State submits that the recovery has been made from car in question in which the petitioner was found travelling.

Considering the fact that the investigation has already been concluded, the petitioner having no concern with the vehicle from which the recovery has been made and



statement being made in paragraph 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 Additional District & Sessions Judge-II -cum- Special Judge, Excise, Jamui in Case No. 26C2 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 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-II -cum- Special Judge, Excise, Jamui in connection with Case No. 26C2 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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