

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18300 of 2020

Arising Out of PS. Case No.-82 Year-2020 Thana- GOVERNMENT OFFICIAL COMP.
District- Sitamarhi

ARBIND KUMAR, S/o Gauri Ray, R/o village- Narayanpur Pakri, Ward No. 7, P.S.- Piprahi, District- Sheohar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pushpendra Kumar Singh, Adv.
For the Opposite Party/s : Mr. Md. Fahimuddin, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 15-06-2020 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.

The prosecution case as per the written report submitted by Dinesh Prasad Saket, S.I., Excise, Flying Squad, Sitamarhi submitted before the learned Additional District & Sessions Judge 2nd -cum- Special Judge, Excise, Sitamarhi is to the effect that on 03.02.2020, during paroling, on suspicion, one person was apprehended by the F Coy 20th BN SSB from Nepal border who disclosed his name as Arbind Kumar, the petitioner and



during frisking, from his motorcycle total, 55.800 litres of Nepali Saufi were recovered.

It is submitted by learned counsel for the petitioner that the petitioner has maliciously been framed in the present case. It is further submitted that the petitioner is languishing in custody since 03.02.2020 and investigation has already been concluded. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP for the State submits that the recovery of liquor has been made from the possession of the petitioner.

Considering the fact that the investigation has already been concluded, period under custody coupled with statement made in paragraph no.3 of the petition with regard to criminal antecedent of the petitioner and the said statement being not controverted by learned counsel for the State, 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 2nd -cum- Special Judge, Excise, Sitamarhi in connection with Complaint Case No. C-2/82 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.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 2nd -cum- Special Judge, Excise, Sitamarhi, in connection with Complaint Case No. C-2/82 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.

(Dinesh Kumar Singh, J)

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