

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18873 of 2020

Arising Out of PS. Case No.-49 Year-2020 Thana- MANER District- Patna

LAV KUMAR S/o Lagandev Ray R/o village- Brahamchari Pokhra, Post-Sherpur, P.S.- Maner, District- Patna

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : NONE

For the Opposite Party/s : Mr. Aslam Ansari

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 15-05-2020 No one appears on behalf of the petitioner and when learned Counsel for the petitioner was contacted by the Court Master, he expressed his inability to argue this case, through Video Conferencing.

Heard learned Additional Public Prosecutor for the State, through video conferencing.

Perused the materials available on record.

The petitioner seeks regular bail in connection with Maner Police Station Case No. 49 of 2020, registered for the offence punishable under Section 30 (a) of the Bihar Prohibition and Excise Act, 2016.

The allegation against the petitioner, as per the First Information Report, is that the police, after getting secret information that illicit liquor was being manufactured near



Lodipur R.P.S. Brick Kiln, situated at the bank of River Ganges, proceeded towards the place of occurrence and upon seeing the police party, one person tried to flee away, leaving behind one motorcycle, but he was apprehended by the police and he disclosed his name as Lav Kumar, the petitioner. The police recovered 70 litres of illicit country-made liquor from the said motorcycle. The police also recovered and destroyed 1000 litres of mahua and sweet java kept near the bank of River Ganges for manufacturing illicit wine. It further appears from the record that the police, at the time of search and seizure, did not follow the procedure, as prescribed under Section 100 of the Code of Criminal Procedure, 1973. It is mentioned in paragraph 7 of this application that the petitioner has no connection with the motorcycle in question. It is also mentioned in the application that the petitioner is about 18 years old boy. It is further mentioned in the application that the petitioner has got no criminal antecedent and he is in judicial custody since 02.02.2020.

After having heard learned Additional Public Prosecutor appearing for the State and having gone through the materials on record and taking into consideration the fact that the petitioner is not the owner of the motorcycle in question,



nothing has been recovered from the conscious possession of the petitioner and the petitioner is in custody since 02.02.2020, having no criminal antecedent, I am inclined to grant regular bail to the petitioner.

Accordingly, let the petitioner, above named, be released on bail upon furnishing bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge (Excise), Patna, in connection with Maner Police Station Case No. 49 of 2020 (Special Case No. 1104 of 2020).

It is made clear that at the time of furnishing bail bonds, all the parties shall follow the guidelines regarding lockdown and social distancing.

Prabhakar Anand/-

(Anil Kumar Sinha, J.)

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