

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20249 of 2020**

Arising Out of PS. Case No.-61 Year-2020 Thana- AHIYAPUR District- Muzaffarpur

MITHU PASWAN @ RAVI RANJAN, S/o Rambriksh Paswan, R/o village-
Shivraha Chaturbhuj Jhapaha, P.S.- Ahiyapur, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ravi Ranjan, Adv.

For the Opposite Party/s : Mr. Ram Bilash Roy Raman, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 09-07-2020 The Court proceeding has been conducted through
virtual mode.

Since the physical Court is not functional due to the
present pandemic, Covid-19, the matter has been listed with
defects.

Learned counsel for the petitioner undertakes to
remove the defects within a period of three weeks on
resumption of physical court proceeding.

In case of non-removal of the defects within the
undertaken period, the office will place the matter before the



bench.

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

The petitioner apprehends arrest in a case registered for the offences punishable under Sections 272, 273 of the Indian Penal Code, 1860 and Sections 30(a) and 36 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 written report of Mani Kant Paswan submitted before the S.H.O., Ahiyapur Police Station is to the effect that on 16.01.2020 at 8.00 PM., during night patrolling, the informant received a confidential information that in the cattle shed of co-accused, Ram Chandra Paswan, liquor is being unloaded from a truck. Consequently a raid was laid when three Bolero pickup vans were found parked, but on seeing the police, two pickup vans, out of three, escaped from the scene. However, one pickup van was intercepted from which the driver and the cleaner were apprehended who disclosed their names as, co-accused, Raushan and Vishal Kumar. During course of frisking, from the pickup van altogether, 345.780 litres of Indian Made Foreign Liquor were recovered. The apprehended accused disclosed the



name of six accused persons, including the petitioner, who escaped from the scene, on arrival of police.

It is submitted by learned counsel for the petitioner that there is no recovery from the possession of the petitioner and the petitioner has been named in the present case only on the basis of disclosure made by the apprehended co-accused. It is further submitted that the petitioner has neither any concern with the seized liquor or with the pickup van. A statement to that effect has been made in paragraph no.8 of the petition. A further 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 petitioner's name sprang up on the statement of apprehended co-accused, as a person, who escaped from the scene on arrival of police.

Considering the fact that the material on record does not suggest the recovery of liquor from the possession of the petitioner and in view of the statement made in paragraph no.8 of the petition that the petitioner has no concern either with the seized liquor or with the pickup van and the said statement not being controverted by learned APP for the State, let the petitioner above named be released on anticipatory bail for the present provisionally for a period of three months, in the event



of arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing one surety to the satisfaction of the learned Special Judge, Excise Act, Muzaffarpur, in connection with Ahiyapur P.S. Case No. 61 of 2020, subject to the conditions as laid down under Section 438(2) of the Cr.P.C

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 Special Judge, Excise Act, Muzaffarpur, in connection with Ahiyapur P.S. Case No. 61 of 2020.

The learned Court below will 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.

Accordingly, the present application stands disposed
of.

(Dinesh Kumar Singh, J)

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