

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20182 of 2020

Arising Out of PS. Case No.-603 Year-2019 Thana- BEGUSARAI MUFFASIL District-
Begusarai

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1. Saurabh Yadav @ Daurabh Kumar S/O Ravindra Yadav @ Ravi Yadav R/O- Kaithma, P.S. - Begusarai Muffasil, District - Begusarai.
 2. Sugriv Yadav @ Sambhu Kumar S/O- Ram Bilash Yadav R/O- Kaithma, P.S. - Begusarai Muffasil, District - Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shubhesh Pandey

For the Opposite Party/s : Mr.Pramod Kumar Pandey

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 08-07-2020 The matter has been taken up through virtual

Court proceeding.

Since the physical court proceeding is non-functional due to the present pandemic COVID-19, the matter is listed with defects.

Learned counsel for the petitioners undertakes to remove the defects within three weeks of the resumption of the physical Court proceedings.

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



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

The petitioners are apprehending their arrest in a case registered for the offence punishable under Sections 30(a) of the Bihar Prohibition & Excise Act, 2016, as amended by Amendment Act 8 of 2018. .

The prosecution case as per the written report of S.I. Ambika Prasad, submitted to the S.H.O, Begusarai Muffasil is to the effect that on 18.11.2019 at 11:30, the informant received an information that in the village Kaithma in brinjal field, liquor has been kept concealed whereupon raid was laid and from the field, 126 litres of Indian made Foreign Liquor was recovered. It is alleged that the land belongs to Ram Pravesh Yadav but the plantation was made by co-accused Amresh Yadav when it is alleged that the liquor was being concealed by the petitioners and co-accused Amresh Yadav.

It is submitted by learned counsel for the



petitioners that neither the land from which the recovery is alleged to have been made belongs to the petitioners nor they were apprehended from the spot and hence, the recovery cannot be treated to be made from the conscious physical possession of the petitioners. Co-accused Amresh Yadav, who is alleged to have done agricultural work on the land from which recovery has been made, has been granted anticipatory bail by a Co-ordinate bench of this Court vide order dated 05.03.2020 passed in Cr. Misc. No. 11967 of 2020.

A statement has been made in para 3 of the petition that petitioners are not having any criminal antecedent.

Learned counsel for the State submits that the informant came to know that the liquor was being concealed by the petitioners.

Considering the fact that materials on record suggest that recovery has been made from the land of Ram Pravesh Yadav upon which, agricultural work was



being done by co-accused Amresh Yadav who has been granted anticipatory bail and the petitioners are not having any criminal antecedent, let the petitioners, above named, in the event of their arrest or surrender before the Court below within a period of six weeks, be released on provisional anticipatory bail for a period of three months on furnishing one surety to the satisfaction of learned Additional Sessions Judge-II-cum-Special Judge, Bihar Prohibition & Excise Act, Begusarai in connection with Muffasil P.S. Case No. 603 of 2019, subject to the conditions as laid down under Section 438(2) 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 anticipatory bail of the petitioner will be confirmed by the learned Court below within three months on furnishing bail bond of Rs. 10,000/-(ten thousands) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-II-cum-Special Judge, Bihar Prohibition & Excise Act, Begusarai in connection with Muffasil P.S. Case No. 603 of 2019 including one surety given at the time of provisional bail.

The learned Court below will be at liberty to further extend the period of provisional bail 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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