

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18190 of 2020

Arising Out of PS. Case No.-134 Year-2019 Thana- NAVINAGAR District- Aurangabad

Shravan Kumar Yadav @ Shrawan Kumar Yadav @ Sharwan Kumar Yadav
S/o Surendra Yadav R/o Village Lotaniya, P.S. Hussainabad, District - Palamu
(Jharkhand).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Singh
For the Opposite Party/s : Mr.Akshay Lal Pandit

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 written report of S.I., Krishna Deo Yadav submitted to the Station House Officer, Nabinagar, is to the effect that during evening patrolling, a confidential information was received that liquor is being



transported and during vehicle check, a Scorpio vehicle was intercepted and from the vehicle in question, 105 litres of country made liquor were recovered, leading to registration of the case.

It is submitted by learned counsel for the petitioner that on the date of seizure, the vehicle in question was registered in the name of co-accused Satyendra Yadav, who has been granted anticipatory bail by Co-ordinate bench of this Court vide Cr. Misc. No. 55639 of 2019, hence, recovery cannot be treated from the possession of the petitioner, statement to that effect has been made in paragraph nos. 9 and 10 of the petition. The petitioner is languishing in custody since 20.02.2020 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 during investigation it transpired that the vehicle in question transferred in the name of the petitioner.

Considering the fact that on the date of seizure the vehicle in question was registered in the name of co-accused Satyendra Yadav, who has been granted anticipatory bail by Co-ordinate bench of this Court vide Cr. Misc. No. 55639 of 2019, investigation has already been concluded 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 Sessions Judge VII -cum- Special Judge (Excise), Aurangabad in connection with Nabinagar P.S. Case No. 134 of 2019.

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 Sessions Judge VII -cum- Special Judge (Excise), Aurangabad in connection with Nabinagar P.S. Case No. 134 of 2019.



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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