

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18253 of 2020

Arising Out of PS. Case No.-51 Year-2020 Thana- BARHARIA District- Siwan

SURAJ KUMAR Son of Late Uttim Ram Resident of Village - Rohara
Mahuwa Tola, P.S.- Barharia, Distt - Siwan.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Bijay Prakash Singh

For the Opposite Party/s : Mr.Yogendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

5 12-10-2020 Heard Mr. Bijay Prakash Singh, learned counsel
appearing on behalf of the petitioner and Mr. Yogendra Kumar
Singh, learned Additional Public Prosecutor, for the State of
Bihar.

This application for grant of regular bail arises out of
Barharia P.S. Case No. 51 of 2020, registered for the offence
punishable under Sections 272, 273, 35 of the Indian Penal
Code and Sections 30(a), 41(1) of the Bihar Prohibition and
Excise Amendment Act, 2016.

It is the prosecution's case that the police, on the basis
of secret information regarding illicit trade of liquor, had
conducted a raid. In course of the said raid, the police recovered,
from a pick-up van having no registration number, 6864 bottle
each of 180 ml (total 1235 liters 520 ML) of crazy romeo foreign
liquor. The petitioner was arrested on the spot.



Learned counsel for the petitioner has submitted that neither the pick-up van, nor the seized liquor belongs to the petitioner nor there is any recovery from the petitioner's possession. He has argued that the seizure of alleged liquor has been made without following the procedure under Section 100 of the Cr.P.C.

I have carefully perused the F.I.R. It is evident from the F.I.R. that the petitioner was apprehended by the police when he was trying to flee away from the place of occurrence. He is said to have disclosed the names of the persons who had managed to flee away from the place of occurrence and were involved in the trade of illicit liquor. The petitioner disclosed to the police that he was engaged by the real operators merely as labour for the purpose of carrying illicit liquor from one place to the other.

Considering the quantity of liquor said to have recovered and the petitioner's involvement as emerging from the F.I.R., I am not inclined to grant him privilege of regular bail for the present.

This application is dismissed.

It is directed that the defect(s) in the application, pointed out by the Registry, must be removed within two



months.

Since there is a lock down, the Court has considered it appropriate to adopt following procedure for communication of the present order :-

(i) The order, which has been dictated during the course of the proceedings of virtual Court, shall be communicated to me on my e-mail I.D. by the Secretary.

(ii) The corrected copy of the order shall be transmitted by me from my e-mail I.D. to the Secretary, which shall be treated to be the authentic copy of the order passed by this Court today in the present proceeding.

(iii) Hard copy of the order, duly signed by me, shall be preserved in my residential-office for documentation and future use, if any.

(iv) Let a copy of the order be communicated to the learned Court below through e-mail or any other appropriate electronic mode by the Registry.

Let steps be taken by the Registry for uploading of the present order without compromising with the norms of social distancing.

(Chakradhari Sharan Singh, J)

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