

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18298 of 2020

Arising Out of PS. Case No.-25 Year-2020 Thana- BITHAN BAZAR District- Samastipur

NIRAJ KUMAR, Son of Ajay Kumar Verma, Resident of Village - Telni, P.S.-
Bithan, Distt.- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bhubneshwar Prasad, Adv.

For the Opposite Party/s : Ms. Dr. Indihar Kumari, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 15-06-2020 Heard learned counsel for the petitioner and learned
APP for the State.

The matter has been taken up through virtual Court
proceeding.

The petitioner has preferred the present application for
grant of bail in a case registered for the offence punishable
under Section 30(a) of the Bihar Prohibition and Excise Act,
2016, as amended by the Amendment Act 8 of 2018.

The prosecution case as per the written report of Awadhesh
Kumar Singh, S.I. submitted before the S.H.O., Bihta Police
Station is to the effect that on 03.02.2020, during patrolling, a
secret information was received that huge quantity of liquor has
been stored in the cattle-shed of co-accused, Nunu Lal, who is
indulged in the trade of illicit liquor. Consequently, a raid was



laid when on seeing the police, three persons started to flee away, but on chase being made, one person was apprehended who disclosed his name as Niraj Kumar, the petitioner. During frisking, from the cattle shed of the co-accused, Nunu Lal, 382.98 litres of Indian Made Foreign liquor were recovered. The petitioner further disclosed the name of two persons who escaped from the scene as co-accused, Nunu Lal and Chandrajeet Kumar and on his disclosure, the house of co-accused, Ajay Thakur, was raided from where, 4.875 litres of Indian Made Foreign Liquor were recovered.

It is submitted by learned counsel for the petitioner that there is no recovery from the conscious physical possession of the petitioner. In fact, since the petitioner refused to become a witness, he has falsely been roped in the present case. The petitioner is languishing in custody since 10.02.2020 and investigation has already been concluded. A 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 was apprehended from the place of seizure

Considering the fact that the material on record does not suggest the recovery from the conscious physical possession



of the petitioner, the investigation already being concluded, period under custody coupled with statement made in paragraph no.3 of the petition with regard to criminal antecedent of the petitioner and the said statement not being controverted by learned counsel for the State, 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 District & Sessions Judge 2nd -cum- Special Judge, Excise, Samastipur, in connection with Bithan P. S. Case No. 25 of 2020, arising out of Computer Registration No. 155 of 2020.

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



Additional District & Sessions Judge 2nd -cum- Special Judge,
Excise, Samastipur, in connection with Bithan P. S. Case No. 25
of 2020, arising out of Computer Registration No. 155 of 2020.

The learned Court below will further be at liberty to
extend the period of provisional bail further if the court
proceeding in physical mode will not resume in next three
months.

(Dinesh Kumar Singh, J)

Ashwini/-

U		T	
---	--	---	--

