

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19472 of 2020

Arising Out of PS. Case No.-153 Year-2020 Thana- GOVERNMENT OFFICIAL COMP.
District- Sitamarhi

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SATYENDRA SINGH S/o Late Ram Suresh Singh Resident of Village-
Lagma, Ward No.06, P.S.-Bathnaha, District-Sitamarhi.

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Dinesh Jha
For the Opposite Party/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

5 08-07-2020 The matter has been taken up through virtual court
proceeding.

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

Learned counsel for the petitioner undertakes to
remove the defects within three weeks of resumption of
functioning of the court in physical mode.

If the defects are not removed within the said period,
the office will again place the matter on board.

Heard learned counsels for the petitioner and the
State.

The petitioner, who is languishing in custody since



02.03.2020, has preferred the present application for grant of bail in a case registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2016, as amended by Amendment Act 8 of 2018.

The prosecution case, as per the prosecution report, submitted by the Inspector, Excise, Sitamarhi to the learned Additional Sessions Judge-II-cum-Special Judge, Sitamarhi is to the effect that on 02.03.2020, the informant received a confidential information that illicit liquor is being transported. Consequently, three vehicle were intercepted and altogether 2672 litres of Indian Made Foreign Liquor were recovered. It is specifically alleged that from the Tata Ace truck, of which the petitioner is alleged to be the driver, 1097.28 litres of Indian Made Foreign Liquor were recovered.

It is submitted by learned counsel for the petitioner that the petitioner has maliciously been framed in the present case. The petitioner is not having any concern either with the seized vehicles or with the seized liquor, statement to that effect has been made in paragraph no.11 of the petition. The 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.



It is submitted by learned counsel for the petitioner that the petitioner was the driver of one of the seized vehicles, from which the recovery has been made.

Considering the fact that investigation has already been concluded, period under custody and the statement made in paragraph no.3 of the petition to the effect 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 District and Sessions Judge-II-cum-Special Judge, Sitamarhi in connection with Case No. C2/153/20.

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 learned
Additional District and Sessions Judge-II-cum-Special Judge,
Sitamarhi in connection with Case No. C2/153/20.

The learned Court below will 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.

Accordingly, the present application is disposed of.

(Dinesh Kumar Singh, J)

Amrendra/-

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