

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19480 of 2020

Arising Out of PS. Case No.-26 Year-2020 Thana- HATHUA District- Gopalganj

1. Urmila Devi Wife of Rakesh Patel @ Bhandol Resident of Village- Manichhapar, Police Station- Hathwa, District- Gopalganj.
2. Sanjit Kumar Son of Ashok Prasad Resident of Village- Manichhapar, Police Station- Hathwa, District- Gopalganj.
3. Vishwas Kumar @ Vishwash Kumar Son of Rajesh Prasad Resident of Village- Manichhapar, Police Station- Hathwa, District- Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Prabhakar Singh
For the Opposite Party/s : Mr.

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 15-06-2020 The matter has been taken up through virtual Court proceeding.

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

The present application has been preferred on
behalf of the petitioners for grant of bail in connection with a
case registered for the offence 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., Vinod Jha, Hathuwa P.S. submitted to the Station House



Officer, Hathuwa P.S, is to the effect that on 09.03.2020 during patrolling, a confidential information was received that co-accused Rakesh Patel @ Bhandol is indulged in trade of illegal liquor, consequently, a raid was laid and from the house of co-accused Rakesh Patel, total 55.030 litres of Indian Made Foreign Liquor were recovered, whereas recovery of total 71.680 litres of Indian Made Foreign Liquor were made from the house of co-accused Kalawati Devi and Anil Sah though, on seeing the police party, they managed to escape from the place of seizure, leading to registration of the case. Petitioner no. 1 is the wife and petitioner nos. 2 and 3 are nephew of co-accused Rakesh Patel.

It is submitted by learned counsel for the petitioners that the recovery has been from joint family house of the petitioners and thrust of accusation is against co-accused Rakesh Patel. The petitioners are languishing in custody since 10.03.2020 and investigation has already been concluded. A statement has been made in paragraph no.3 of the petition that the petitioners are not having any criminal antecedent.

Learned APP for the State submits that the recovery has been made from the house of the petitioners.

Considering the fact that the thrust of accusation is



against co-accused Rakesh Patel, the investigation has already been concluded, period under custody and statement being made in paragraph no.3 of the petition that the petitioners are not having any criminal antecedent, let the petitioners 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 2nd Additional Sessions Judge, Excise, Gopalganj in connection with Hathuwa P.S. Case No. 26 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 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 petitioners which may be transmitted by such surety to the learned Court concerned through e-mode.

The provisional bail of the petitioners will be confirmed by the learned Court below within three months on furnishing bail bond of Rs.10000/- (ten thousand) each with two sureties, including one surety given at the time of provisional bail, of the like amount each to the satisfaction of the learned 2nd Additional Sessions Judge, Excise, Gopalganj in connection with Hathuwa P.S. Case No. 26 of 2020.



The provisional bail of the petitioners will be confirmed after a certificate on affidavit be filed on behalf of the petitioners before the learned Court below to the effect that all the defect/s, as pointed out by the Stamp Reporter, have been removed.

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)

DKS/-

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

