

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19503 of 2020

Arising Out of PS. Case No.-82 Year-2020 Thana- PARBATTI District- Khagaria

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1. Guddu Kumar Son of Brahamdev Sah Resident of Village- Rahimpur, P.S.- Parbatta, District- Khagaria.
 2. Manish Kumar Son of Gopal Sah Resident of Village- Rahimpur, P.S.- Parbatta, District- Khagaria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Praveen Kumar Agrawal, Advocate

For the Opposite Party/s : Mr. J.N. Thakur, APP

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 petitioner 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., Umesh Prasad, Parbatta Police Station submitted to the Station House Officer, Parbatta Police Station, is to the effect that during patrolling, a confidential information was received



that the petitioners are indulged in illegal trade of liquor, consequently, the house of petitioner no. 1 was raided and total 36.375 litres of Indian Made Foreign Liquor were recovered and from the physical possession of petitioner no. 2, total 750 ml Indian Made Foreign Liquor were recovered and both the petitioners were apprehended from the place of seizure.

It is submitted by learned counsel for the petitioner that the recovery has been made from joint family house of petitioner no. 1. The petitioners are languishing in custody since 07.03.2020 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 petitioner no. 1 and from the pocket of petitioner no. 2.

Considering the fact that 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 Additional Sessions Judge 2nd -cum-



Special Judge (Excise), Khagaria in connection with Parbatta P.S. Case No. 82 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 Additional Sessions Judge 2nd -cum- Special Judge (Excise), Khagaria in connection with Parbatta P.S. Case No. 82 of 2020.

The provisional bail of the petitioners will be confirmed after a certificate on affidavit is 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)

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