

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19505 of 2020

Arising Out of PS. Case No.-52 Year-2020 Thana- KATRA District- Muzaffarpur

Surendra Choudhary Son of Raghuvir Choudhary Resident of Village-Yajuar,
P.S.- Katra, Distt- Muzaffarpur (Bihar)

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Alok Kumar Alok, Advocate

For the Opposite Party/s : Mr. Ramsewak Choudhary, 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 petitioner 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 offences punishable under Sections 272, 273 of the Indian Penal Code, 1860 and Section 30(a) of Bihar Prohibition and Excise Act, 2016, as amended by Act 8 of 2018.

The prosecution case, as per the self statement of S.I., Sikandar Kumar, Station House Officer, Katra P.S. recorded on 01.03.2020, is to the effect that on the same day, a confidential information was received that the petitioner has stored illicit liquor, thereafter, the house of the petitioner was



raided and from his house, total 26.280 litres of Indian Made Foreign Liquor were recovered.

It is submitted by learned counsel for the petitioner that the recovery has been made from joint family house, hence, the recovery cannot be treated from the conscious physical possession of the petitioner. The petitioner is languishing in custody since 02.03.2020 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 recovery has been made from the house of the petitioner and he is named in the FIR.

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 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 Special Judge, Excise Act, Muzaffarpur in connection with Katra P.S. Case No. 52 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 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 Special Judge, Excise Act, Muzaffarpur in connection with Katra P.S. Case No. 52 of 2020.

The provisional bail of the petitioner will be confirmed after a certificate on affidavit being filed on behalf of the petitioner 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	
---	--	---	--

