

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19501 of 2020

Arising Out of PS. Case No.-65 Year-2020 Thana- SAHPUR District- Bhojpur

1. Sawru Yadav Son of Ayodhya Yadav Resident of Village - Shivpur, P.S.- Sahpur, Distt.- Bhojpur.
2. Sri Ganesh Yadav Son of Nanhak Yadav Resident of Village - Shivpur, P.S.- Sahpur, Distt.- Bhojpur.
3. Munna Yadav BansidharYadav Resident of Village - Shivpur, P.S.- Sahpur, Distt.- Bhojpur.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ravindra Kumar, 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 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 self statement of
S.I., Avinash Kumar, SHO, Sahpur Police Station, is to the



effect that a confidential information was received that on an Auto rickshaw liquor is being carried, consequently, Auto rickshaw was intercepted, in which, seven persons were found travelling including the petitioners and total 70 litres of Mahua liquor were recovered and the petitioners and other co-accused were apprehended.

It is submitted by learned counsel for the petitioners that the vehicle in question does not belong to the petitioners, statement to that effect has been made in paragraph 10 of the petition. The petitioners are languishing in custody since 09.03.2020 and investigation has already been concluded. Petitioner nos. 1 and 3 are not having any criminal antecedent and petitioner no. 2 is accused in one another case of similar nature. Moreover, similarly situated co-accused Mantosh Yadav and Chhotelal Yadav have been granted bail by Co-ordinate bench of this Court vide Cr. Misc. No. 19095 of 2020.

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

Considering the fact that the investigation has already been concluded and similarly situated co-accused persons have been granted bail and period under custody, 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 District & Sessions Judge 4th -cum- Special Judge, Excise, Bhojpur at Ara in connection with Excise Case No. 494 of 2020, arising out of Sahpur P.S. Case No. 65 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 District & Sessions Judge 4th -cum- Special Judge, Excise, Bhojpur at Ara in connection with Excise Case No. 494 of 2020, arising out of Sahpur P.S. Case No. 65 of 2020.

The provisional bail of the petitioners will be



confirmed after a certificate on affidavit being 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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