

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.19521 of 2020**

Arising Out of PS. Case No.-116 Year-2020 Thana- EKMA District- Saran

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1. PARMILA DEVI Wife of Bablu Chaudhary Resident of Village- Notan Bazar, P.S.- Ekma, District- Saran.
  2. Sanju Devi Wife of Ramu Chaudhary Resident of Village- Notan Bazar, P.S.- Ekma, District- Saran.
  3. Bablu Chaudhary Son of Late Kishun Chaudhary Resident of Village- Notan Bazar, P.S.- Ekma, District- Saran.
  4. Ramu Chaudhary Son of Esawar Chaudhary Resident of Village- Notan Bazar, P.S.- Ekma, District- Saran.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Surendra Kishore Thakur, Adv.

For the Opposite Party/s : Mr.

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH**  
**ORAL ORDER**

2      15-06-2020                      Heard learned counsel for the petitioners and learned  
APP for the State.

The matter has been taken up through virtual Court proceeding.

The petitioners have preferred the present application for grant of bail in a case registered for the offences punishable under Sections 30(a), 38, 37 (b) (C) of the Bihar Prohibition and Excise Act, 2016, as amended by the Amendment Act 8 of 2018, (hereinafter referred to as ‘the Act’).

The prosecution case as per the written report of Rajesh



Chaudhary, S.I., -cum-S.H.O., Ekma Police Station is to the effect that on 15.03.2020, during patrolling, a confidential information was received that petitioner no.4, Ramu Chaudhary with his wife petitioner no.2, Sanju Devi are selling illicit liquor and his neighbour petitioner no.3, Babloo Chaudhary also along with his wife petitioner no.1, Pramila Devi are selling illicit liquor. Consequently, a raid was laid and from the house of petitioner no.4, Ramu Chaudhary, 90 litres of country made liquor whereas from the house of petitioner no.3, Babloo Chaudhary, 80 litres of country made liquor were recovered.

From the pleadings it appears that the recovery has been made from huts, having no boundaries. The petitioners no.1 and 3 are in custody since 16-03-2020 whereas petitioner no.2 is in custody since 18-03-2020 and petitioner no.4, Ramu Chaudhary is in custody since 12-04-2020 and the 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 said recovery has been made from the possession of the petitioners.

Considering the nature of recovery, the investigation already being concluded coupled with statement made in



paragraph no.3 of the petition with regard to criminal antecedent of the petitioners and the said statement being not controverted by learned counsel for the State, 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 2<sup>nd</sup> -cum- Special Judge, Excise, Saran, in connection with Ekma P.S. Case No. 116 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 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 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) 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 2<sup>nd</sup> -cum- Special Judge, Excise, Saran, in connection with Ekma P.S. Case No. 116 of 2020.



The provisional bail of the petitioner will be confirmed after filing of a certificate, on affidavit, on behalf of the petitioner before the learned Court below to the effect that all the defect/s, if any, as pointed out by the stamp reporter, in the case, have been removed.

The learned Court below will further 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.

**(Dinesh Kumar Singh, J)**

Ashwini/-

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