

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19515 of 2020

Arising Out of PS. Case No.-37 Year-2020 Thana- TARAIYA District- Saran

1. PRITAM RAY @ PRITAM RAI Son of Bir Bahadur Rai @ Veera Rai
Resident of Village Bhalua Shanker Dih, Police Station - Taraiya, District-
Saran.
2. Binod Singh @ Binod Kumar Singh @ Vinod Singh @ Vinod Kumar Singh
Son of Late Jaddu Singh Resident of Village Bhalua Bhikhari, Police Station
- Taraiya, District- Saran.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Navendu Kumar

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.

The petitioners is languishing in custody since
06.05.2020 and 15.04.2020, respectively in a case registered for
the offence punishable under Section 30(a) of the Bihar
Prohibition and Excise Act, 2016, as amended by Amendment
Act 8 of 2018.

The prosecution case, as per the self statement of
Rajesh Kumar, S.I.-cum-S.H.O., Taraiya Police Station recorded



on 07.02.2020 is to the effect that on the same day, a confidential information was received that all the FIR named accused including the petitioners have brought huge quantity of illicit liquor. Consequently, a truck was intercepted, from which, 6000 of Spirit were recovered, leading to registration of FIR.

It is submitted by learned counsel for the petitioners that the petitioners are not having any concern either with the seized liquor or with the truck in question, statement to that effect has been made in paragraph no.7 of the petition, which reads as follows:-

“That nothing has been recovered from the conscious possession of the petitioners and the seized articles do not belong to them and truck not belongs to the petitioners.”

It is further submitted that 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 submits that the at the behest of the petitioners and other co-accused persons, liquor was brought.

Considering the fact that material on record does not suggest any recovery from the conscious physical possession of the petitioners, the contention of the counsel for the petitioners that they are not having any concern either with the seized



liquor or with the truck in question and investigation has already been concluded coupled with the fact 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, Saran in connection with Taraiya P.S. Case No. 37 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 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 learned Additional Sessions Judge, 2nd cum Special Judge, Excise, Saran in connection with Taraiya P.S. Case No. 37 of 2020.

The provisional bail of the petitioners will be



confirmed after filing of a certificate on affidavit on behalf of the petitioners before the learned Court below to the effect that all the defect(s), if any, as pointed out by the stamp reporter, have been removed.

The learned Court below will be at liberty to extend the further period of provisional bail if the court proceeding in physical mode will not resume in next three months.

(Dinesh Kumar Singh, J)

Amrendra/-

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