

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19522 of 2020**

Arising Out of PS. Case No.-53 Year-2020 Thana- WARISNAGAR District- Samastipur

AJAY SAH @ CHHOTU @ AJAY KUMAR, S/O Yogendra Sah @ Jogendra
Sah, Resident of Village - Mathurapur, P.S. Wrisnagar, District - Samastipur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bijay Bhushan Prasad, Adv.

For the Opposite Party/s : Mr.

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 15-06-2020 Heard.

The matter has been taken up through virtual Court proceeding.

The petitioner has preferred the present application for grant of bail in a case registered for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2016, as amended by the Amendment Act 8 of 2018.

The prosecution case as per the written report of Pramanand Singh, S.I. submitted before the S.H.O., Mathurpur O.P. is to the effect that on 23.02.2020, a confidential



information was received that the petitioner, Ajay Sah @ Chhotu @ Ajay Kumar are indulged in liquor trade. Consequently, a raid was laid and total, 120.75 litres of Indian Made Foreign liquor were recovered from the bush situated behind the house of co-accused, Santosh Singh. The name of the petitioner sprang up in the present case on the basis of confidential information that he is also involved in the trade of illicit liquor and he along with co-accused have brought the said liquor by a truck.

From the pleading of the petitioner it appears that the recovery has not been made from the conscious physical possession of the petitioner. The petitioner is languishing in custody since 13.03.2020 and the 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 at the behest of the petitioner the said liquor has been brought.

Considering the the fact that the material on record does not suggest the recovery of liquor from the conscious physical possession of the petitioner, the investigation already being concluded coupled with statement 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 Additional District & Sessions Judge 2nd -cum- Special Judge, Excise, Samastipur, in connection with Warisnagar P.S. Case No. 53 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 the learned Additional District & Sessions Judge 2nd -cum- Special Judge, Excise, Samastipur, in connection with Warisnagar P.S. Case No. 53 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)

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