

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19518 of 2020

Arising Out of PS. Case No.-229 Year-2020 Thana- MADHAURAH District- Saran

RANJEET RAI Son of Late Ram Pravesh Rai Resident of Villlage
Semrahiya, P.S. - Marhowrah, District - Chhapra, Saran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Alok Kumar Alok

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 learned counsels for the petitioner and the
State.

The petitioner is languishing in custody since
11.04.2020, in a case registered for the offences punishable
under Sections 30 and 30(a) of the Bihar Prohibition and Excise
Act, 2016, as amended by Amendment Act 8 of 2018,
(hereinafter referred to as ‘the Act’).

The prosecution case, as per the written report of Lal
Babu Pandit, submitted to the S.H.O. Marhowrah Police Station
is to the effect that on 26.03.2020, during night patrolling, a
confidential information was received that all the FIR named
accused persons including the petitioner have stored huge



quantity of liquor in the orchard of the petitioner. Consequently, raid was laid and from the orchard of the petitioner, 1100 litres of spirit were recovered.

It is submitted by learned counsel for the petitioner that recovery has been made from an open area, hence, the recovery cannot be treated from the conscious physical possession of the petitioner. 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. Moreover, seizure of illicit liquor has been made by the A.S.I., of police, who is not authorized to make such seizure under Section 73(e) of the Act.

Learned APP submits that the recovery has been made from the orchard of the petitioner.

Considering the fact that the seizure has been by the A.S.I. of Police, who is not authorized to make seizure under the Act, the investigation has already been concluded and the period under custody coupled with the fact that the petitioner is not having 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 2nd Additional Sessions Judge-cum-Special Judge,



Excise, Saran at Chapra in connection with Marhowrah P.S.
Case No. 229 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 2nd Additional Sessions Judge-cum-Special Judge, Excise, Saran at Chapra in connection with Marhowrah P.S. Case No. 229 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), 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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