

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19516 of 2020**

Arising Out of PS. Case No.-29 Year-2020 Thana- SIKTI District- Araria

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AFROZ Son of Jainuddin @ Zainul Resident of Village - Denga, Ward No. 12, P.S.- Palasi, District - Araria.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Sharma

For the Opposite Party/s : Mr.

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**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 petitioner is languishing in custody since 01.02.2020, 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 written report of Laudha Kharia, A.S.I. of Police submitted to the S.H.O., Sikty Police Station is to the effect that 31.01.2020, during patrolling, the petitioner, on seeing the police, started to escape, but on chase being made, he was apprehended and from his possession, 16.5 litres of Nepali liquor were recovered.

From the pleadings made in the petition, it appears



that 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 submits that the recovery has been made from the possession of the petitioner.

Considering the period under custody, investigation already being concluded and the fact 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 2nd Additional Sessions Judge-cum-Special Judge, Araria in connection with Special Case No. 134 of 2020, arising out of Sikty P.S. Case No. 29 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, Araria in connection with Special Case No. 134 of 2020, arising out of Sikty P.S. Case No. 29 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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