

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19514 of 2020

Arising Out of PS. Case No.-68 Year-2020 Thana- JOGBANI District- Araria

Neeraj Kumar Thanedar Son of Kailash Thanedar Resident of Village
Bhagkohaliya, P.S. Forbisganj, District Araria.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.N. A. Shamsi (A.S.G.)

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 counsel for the petitioner and
learned APP for the State.

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

The prosecution case, as per the written report of
T. Venkat Raman submitted to the Station House Officer,
Jogbani P.S., is to the effect that during vehicle check, two
motorcycles were seen coming from Nepal and on seeing the



police party, one motorcyclist fled away leaving behind one bag and other motorcyclist was apprehended. The petitioner was rider of the motorcycle in question and total 263.400 litres of Nepali liquor were recovered, leading to registration of the case.

It is submitted by learned counsel for the petitioner that the recovery has not been made from conscious physical possession of the petitioner. The seizure list does not bear the signature of the petitioner. The petitioner is languishing in custody since 07.03.2020 and 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 the recovery has been made from the possession of the petitioner.

Considering the fact that the investigation has already been concluded, period under custody and 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 2nd Additional Sessions Judge



-cum- Special Judge, Araria in connection with Jogbani P.S. Case No. 68 of 2020 (Special Case No. 266 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 upon 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 2nd Additional Sessions Judge -cum- Special Judge, Araria in connection with Jogbani P.S. Case No. 68 of 2020 (Special Case No. 266 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, as pointed out by the Stamp Reporter, have been removed.



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

(Dinesh Kumar Singh, J)

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