

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19520 of 2020

Arising Out of PS. Case No.-586 Year-2019 Thana- GAYA KOTWALI District- Gaya

PANKAJ KUMAR S/o Kailsah Prasad Resident of Mirzadost lane Makhlaut
Ganj, P.S.- Kotwali, District- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Virendra Prasad

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.

The petitioner is languishing in custody since 27.02.2020, has preferred the present application for grant of bail in a case registered for the offences punishable under Sections 420 and 406/34 of the IPC and Sections 30(a), 54 and 57 of the Bihar Prohibition and Excise Act, 2016, as amended by Amendment Act 8 of 2018 .

The prosecution case, as per the prosecution report is to the effect that on 26.12.2019, house of co-accused Gautam Kumar was raided, when co-accused persons were found unloading illicit liquor from a truck into six different vehicles. From the truck, total 2195.85 litres of Indian Made Foreign Liquor were recovered. The name of the petitioner sprang up on the confession of apprehended co-accused Gautam Kumar.



It is submitted by learned counsel for the petitioner that recovery has not been made from the conscious physical possession of the petitioner and the petitioner was not apprehended from the place of seizure. The investigation has already been concluded. A statement has been made in paragraph no.3 of the petition that the petitioner is accused in one other case. Moreover, co-accused Gautam Kumar, on whose confession, the name of the petitioner sprang up, has been granted bail by a Co-ordinate bench of this Court, vide Cr. Misc. No. 3848 of 2020.

Learned APP submits that the name of the petitioner sprang up on the confession of co-accused person.

Considering the fact that investigation has already been concluded, period under custody and the fact that co-accused person, on whose confession, the name of the petitioner sprang up, has been granted bail by a Co-ordinate bench of this Court, 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 Special Judge, Excise Gaya in connection with Kotwali P.S. Case No. 586 of 2019.

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 Special Judge, Excise Gaya in connection with Kotwali P.S. Case No. 586 of 2019.

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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