

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.19524 of 2020**

Arising Out of PS. Case No.-41 Year-2020 Thana- MANJHI District- Saran

SARMAUD, Son of Neer Singh Resident of Village - Barei, P.S.-  
Bahadurganj, District - Jhajhar (Harayana).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Alok Kumar Alok, 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 offences punishable under Section 30, 30(a), 38(i) (ii) of the Bihar Prohibition and Excise Act, 2016, as amended by the Amendment Act 8 of 2018, (hereinafter referred to as 'the Act').

The prosecution case as per the written report of Jagarnath Kumar, S.I. submitted before the S.H.O., Manjhi Police Station is to the effect that on 16.02.2020, a confidential information was received that by a Creta car and a truck, huge quantity of liquor is being brought from Uttar Pradesh. Consequently, a raid was laid and a truck and a Creta car were intercepted. Though



on seeing the police, the person sitting in the truck and in the car tried to flee away, but on chase being made, they were apprehended and they disclosed their names as co-accused, Satish Singh, Sarmaud (petitioner), Ram Niwas and Sumit. During frisking, from the Creta Car wherein the petitioner was found sitting along with co-accused, Satish Prasad, 35.2 litres of Indian Made Foreign Liquor whereas from the truck, 2997.4 Litres of Indian Made Foreign Liquor were recovered. The apprehended accused suggested that the said liquor belongs to co-accused, Ajay Ram and Satrugan Rai.

It is submitted by learned counsel for the petitioner that the petitioner was simply travelling in the Creta Car and he has no concern with the liquor. It is further submitted that co-accused, Satish Singh who was apprehended from Creta Car, has been granted bail by a Co-ordinate bench of this Court vide order dated 14.05.2020, passed in Criminal Miscellaneous No. 18198 of 2020, whereas other co-accused, Satrugan Rai @ Satrugan Kumar Yadav has been granted bail vide order dated 13.05.2020, passed in Criminal Miscellaneous No. 16003 of 2020. The petitioner is languishing in custody since 17.02.2020 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 the recovery of liquor has been made from a Creta Car in which the petitioner was found sitting.

Considering the fact that the investigation has already been concluded and similarly situated co-accused have been granted bail 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 2<sup>nd</sup> -cum- Special Judge, Excise, Saran at Chapra in connection with Saran at Manjhi P.S. Case No. 41 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 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 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 2<sup>nd</sup> -cum- Special Judge, Excise, Saran at Chapra in connection with Saran at Manjhi P.S. Case No. 41 of 2020.

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)**

Ashwini/-

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