

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19527 of 2020

Arising Out of PS. Case No.-39 Year-2020 Thana- BISHWAMBHARPUR District-
Gopalganj

=====

PINTOO SAH @ PINTU SAH Son of Parma Sah @ Prabha Sah Resident of
Village - Hirapakar, P.S. - Jadopur, District - Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Prabhakar Singh
For the Opposite Party/s : Mr. Uma Shankar Pd. Singh, APP

=====

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 23-06-2020 The matter has been taken up through virtual Court
proceeding.

Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner is languishing in jail since 6.6.2020 in a case
registered for the offences punishable under Sections 30(a),
30(b) and 37(c) of the Bihar Prohibition and Excise Act, 2016
as amended by Act 8 of Amendment Act, 2018.

The prosecution case, as per the written report of Indra
Bhushan Kumar, S.I. of Police submitted to the SHO,
Vishambharpur Police Station, is to the effect that on 15.3.2020
during night patrolling, the raid was laid against the trafficking
of liquor when a motorcycle on which two persons were



travelling, was intercepted and from the motorcycle, 39.000 litres of Indian Made Foreign liquor were recovered. The motorcycle riders disclosed the names as Pintu Sah (petitioner) and co-accused Om Prakash Sah, leading to registration of the FIR.

It is submitted by learned counsel for the petitioner that the petitioner was not aware about the liquor being kept in the motorcycle though the motorcycle in question belongs to the petitioner. It is further submitted that petitioner is accused in four other cases but out of the four cases, he is on bail in three cases. Statement to that effect has been made in supplementary affidavit. Investigation has already been concluded.

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

Considering the nature of recovery, investigation being already concluded, coupled with the period in custody, 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 District and Sessions Judge-cum-Special Judge, Gopalganj in connection with Vishambharpur P.S. Case No. 39 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 of the like amount each to the satisfaction of the learned 2nd Additional District and Sessions Judge-cum-Special Judge, Gopalganj including one surety given at the time of provisional bail.

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), as pointed out by the Stamp reporter, have already been removed. The Registry of the High Court will place the matter before appropriate bench on non-removal of the defects within four weeks of resumption of physical Court proceeding.

The learned Court below will be 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)

anil/-

U			
---	--	--	--

