

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19530 of 2020

Arising Out of PS. Case No.-93 Year-2020 Thana- NAWADA District- Nawada

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PINTU KUMAR @ PINKU KUMAR Son of Suresh Prasad Resident of
Rampur, Police Line Gaya, P.S.-Rampur, District-Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Man Mohan Kumar

For the Opposite Party/s : Mr. J.N. Thakur, APP

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 16-06-2020 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 30.1.2020 in a
case registered for the offences punishable under Section 30(a)
of the Bihar Prohibition and Excise Act, 2016 as amended by
Act 8 of Amendment Act, 2018 (hereinafter referred to as the
Act)

The prosecution case, as per the written report of Sanjeev
Kumar, S.I.-cum-SHO, Nawada Town police station submitted
to the learned Additional Sessions Judge-cum-Special Judge
(Excise), Nawada, is to the effect that on 29.1.2020 at 6.45
A.M., an information about a dead body lying on N.H. 31 was



received, whereupon the informant went to investigate. In the meantime, a secret information was received that an Innova car and Bolero pick-up van, loaded with liquor is stuck in road jam. Consequently, the informant along with the other police officials reached at the spot and intercepted the vehicles and co-accused Arvind Singh and Ajit Singh were apprehended. The Bolero pick-up van was being driven by co-accused Ashok Baraich and the petitioner was sitting in the said vehicle. From Innova car, 36.570 litres Indian Made Foreign liquor whereas from Bolero Pick-up, 1500 litres of Indian Made Foreign liquor were recovered.

It is submitted by learned counsel for the petitioner that petitioner was simply a passenger in the pick-up van in question and he is not the owner of any of the vehicles in question. Statement to that effect has been made in paragraph 6 of the petition, which reads as follows:

“That, it is stated that nothing has been recovered from the possession of the petitioner or from any concerned places belongs to the petitioner. Petitioner is neither the driver nor the owner of the aforesaid vehicle.”

Statement has been made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent. The



investigation has already been concluded. Moreover, co-accused Arvind Singh and Ajit Singh have been granted bail vide order dated 4.3.2020 passed in Cr. Misc. No. 14975 of 2020 by a Co-ordinate bench of this Court.

Learned APP submits that the recovery has been made from the pick-up van in which, the petitioner was found sitting.

Considering the statement made in paragraph no. 6 of the petition with regard to the petitioner being neither driver nor owner of the vehicle in question and the same being not controverted by learned counsel for the State, statement made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent, 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 Sessions Judge-cum-Special Judge, Excise Act, Nawada in connection with Nawada P.S. Case No. 93 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 Sessions Judge-cum-Special Judge, Excise Act, Nawada 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 learned Court below to the effect that all the defects/s, if any, as pointed out by the Stamp reporter, have been removed.

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

(Dinesh Kumar Singh, J)

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