

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19535 of 2020**

Arising Out of PS. Case No.-46 Year-2020 Thana- BANIAPUR District- Saran

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DHANANJAY SAH, Son of Baharan Sah, Resident of Village-Puchhari, P.S.-
Baniyapur, District-Saran at Chapra.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dewendra Narayan Singh, Adv.

For the Opposite Party/s : Mr. Uma Shankar Prasad Singh, APP

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 23-06-2020 Heard learned counsel for the petitioner and learned
APP for the State.

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 offence punishable
under Section 30(a) of the Bihar Prohibition and Excise Act,
2016, as amended by the Amendment Act 8 of 2018.

The prosecution case as per the written report of S.I., Ajay
Kumar Singh submitted before the Baniapur Police Station is to
the effect that on 13.02.2020 at 5.15 A.M., a secret information



was received that by a red coloured Tata magic vehicle, country made liquor is being transported. Consequently, the vehicle was intercepted and from the vehicle, 300 litres of country made liquor were recovered. The petitioner was found driving the vehicle, but he escaped from the scene, leading to registration of the present case.

It is submitted by learned counsel for the petitioner that the petitioner is neither the owner nor the driver of the vehicle in question, but maliciously, he has been roped in the present case. Moreover, the petitioner was not apprehended from the place of recovery. A statement to that effect has been made in paragraph no.7 of the petition. It is further submitted that though the petitioner is accused in one other case, but in that case, he is on bail. The petitioner is languishing in custody since 28.03.2020 and investigation has already been concluded.

Learned APP for the State submits that though the petitioner was not apprehended from the spot, but he was driving the vehicle from which the recovery of liquor has been made.

Considering the fact that the petitioner was not apprehended from the place of recovery, statement made in paragraph no.7 to the effect that he is neither owner nor driver



of the vehicle in question and the investigation being already concluded, 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 2nd -cum- Special Judge, Excise Act, Saran at Chapra, in connection with Baniyapur P.S. Case No. 46 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, 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 2nd -cum- Special Judge, Excise Act, Saran at Chapra, in connection with Baniyapur P.S. Case No. 46 of 2020.

The provisional bail of the petitioner will be



confirmed after filing of a certificate on affidavit before the learned Court below to the effect that all the defect (s) in the present case, as pointed out by the stamp reporter, have been removed.

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)

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