

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL MISCELLANEOUS No.19536 of 2020**

Arising Out of PS. Case No.-49 Year-2020 Thana- BAIKUNTHPUR District- Gopalganj

BINOD RAI Son of Late Shivbalak Rai Resident of Village - Pakaha, P.S.-  
Baikunthpur, District - Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Harendra Prasad

For the Opposite Party/s : Mr.

**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 20.3.2020 in a  
case registered for the offences punishable under Sections  
272 and 273/34 of the IPC and Section 30(a) of the Bihar  
Prohibition and Excise Act, 2016 as amended by Act 8 of  
Amendment Act, 2018 .

The prosecution case, as per the self statement of S.I.  
Amitesh, SHO, Baikunthpur Police Station recorded on  
21.2.2020 at 9.45 PM, is to the effect that on the same day, a  
confidential information was received that co-acused Raju  
Rai and Pankaj Rai are carrying liquor from the petitioner



and co-accused Shiv Prasad Rai through a Bolero vehicle. Consequently, raid was laid and from a Bolero vehicle, 105 litres of country made liquor were recovered. However, the persons travelling in the vehicle in question managed to escape. The petitioner was subsequently arrested after a month from his house.

It is submitted by learned counsel for the petitioner that only on the basis of suspicion, the petitioner has been roped in the present case. The statement has been in paragraph 6 of the petition that the petitioner has no concern with the vehicle in question, which reads as follows:

“That the petitioner has humbly submitted that nothing incriminating has been recovered from the possession of the petitioner and he has got no concern with seized mobile, vehicle and wine.”

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

Learned APP submits that the police received confidential information that liquor was being carried from the petitioner though the petitioner managed to escape from the scene on arrival of police.

Considering the fact that learned counsel for the State has not controverted the statement that the petitioner has no concern with the vehicle in question, 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 Additional Sessions Judge II-cum-Special Judge, Excise, Gopalganj in connection with Baikunthpur P.S. Case No. 49 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 Additional Sessions Judge II-cum-Special Judge, Excise, 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 learned Court below will 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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