

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21147 of 2020

Arising Out of PS. Case No.-287 Year-2019 Thana- GOVERNMENT OFFICIAL COMP.
District- Patna

=====

Rahul Kumar Son of Rajiv Kumar Sahay Resident of Mohalla - Patel Nagar,
Road No. 12, P.S.- Shastri Nagar, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Anil Kumar
For the Opposite Party/s : Mr.A.G.

=====

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 29-06-2020 The matter has been taken up through virtual Court proceeding.

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

Since the physical court proceeding is non-functional the matter is listed with defects.

Learned counsel for the petitioner undertakes to remove the defects within three weeks of resumption of physical court proceeding. In the eventuality of non-removal of defects, the office will place the matter before the bench.

The petitioner is languishing in custody since 26.12.2019 in a case registered for the offences punishable under Sections 30(a), 32(1), 41(1)(2) of Bihar Prohibition and



Excise Act, 2016, as amended by Act 8 of 2018, hence, the prayer for bail has been made through the present application.

The prosecution case, as per the prosecution report submitted by Inspector, Excise, is to the effect that a confidential information was received that liquor is being transported and consequently, a Hyundai Accent Car was intercepted, from which, total 125.280 litres of Indian Made Foreign Liquor were recovered.

It is submitted by learned counsel for the petitioner that the recovery has not been made from conscious physical possession of the petitioner and the vehicle in question is not registered in the name of the petitioner, statement to that effect has been made in paragraph 9 of the petition. The investigation has already been concluded and 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 petitioner was found sitting in the vehicle in question from which recovery has been made.

Considering the fact that the petitioner had disowned the vehicle in question prior to the recovery, the investigation has already been concluded, period under custody



and statement being 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 Special Judge, Excise, Patna in connection with Special Case No. 11511 of 2019, arising out of P.R. Police Station Case No. 287 of 2019.

However, in view of the present pandemic COVID-19, it will be open for the learned Court below to accept the bail bond upon 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 Special Judge, Excise, Patna in connection with Special Case No. 11511 of 2019, arising out of P.R. Police Station Case No. 287 of 2019.



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

Accordingly, the application is disposed of.

(Dinesh Kumar Singh, J)

DKS/-

U		T	
---	--	---	--

