

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22323 of 2020

Arising Out of PS. Case No.-73 Year-2020 Thana- PIRO District- Bhojpur

Ajay Kumar Son of Shiv Mohan Singh Resident of Village - Laxmipur, P.S.-
Aayar, Distt.- Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anil Kumar Singh

For the Opposite Party/s : Mr.APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 24-08-2020 The Court proceeding has been conducted through
virtual mode.

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

Since the court proceeding in physical mode is
non-functional, due to present pandemic, COVID-19, the matter
is listed with defects.

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

The petitioner is languishing in custody since
17.03.2020 in a case registered for the offences punishable
under Section 30(a) of Bihar Prohibition and Excise Act, 2016,



as amended by Act 8 of 2018 and Section 420 of the Indian Penal Code, hence, the prayer for bail has been made through the present application.

The prosecution case, as per the self statement of S.I., Shambhu Kumar, SHO Hasanbazar O.P. recorded on 16.03.2019 at 4.00 P.M., is to the effect that on the same day during vehicle check with regard to the illicit trade of liquor, one Wagon-R car was intercepted, in which, three persons were found traveling, they disclosed their name as co-accused Arvind Kumar Singh, Rajiv Kumar @ Lala and Ajay Kumar, the petitioner. The vehicle was being driven by co-accused Arvind Kumar Singh. On inquiry, he disclosed that they were bringing the liquor from Ajay Pradhan of Naubatpur Chandauli belonging to Uttar Pradesh and it was to deliver to Nitish Kumar. From the vehicle in question, total 259.200 litres of Indian Made Foreign Liquor were recovered. The accused persons also disclosed that through the Indigo Car and Bolero Car Santosh Kumar has brought liquor and liquor was also recovered from other two cars.

It is submitted by learned counsel for the petitioner that the petitioner was simply a passenger of the said Wagon-R and statement has been made in paragraph 7 of the petition to



the effect that the vehicle in question belongs to co-accused Arvind Kumar Singh. The petitioner is languishing in custody since 17.03.2020 and investigation has already been concluded. 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 travelling in a Wagon-R car from which huge quantity of liquor was recovered.

Considering the fact that the vehicle in question was not found registered in the name of the petitioner and this fact has not been controverted by learned APP, investigation has already been concluded 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 IVth Additional Sessions Judge -cum- Special Judge, Excise, Bhojpur at Ara in connection with Piro P.S. Case No. 73 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 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 IVth Additional Sessions Judge -cum- Special Judge, Excise, Bhojpur at Ara in connection with Piro P.S. Case No. 73 of 2020.

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 stands disposed of.

(Dinesh Kumar Singh, J)

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