

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21146 of 2020

Arising Out of PS. Case No.-79 Year-2020 Thana- GOVERNMENT OFFICIAL COMP.
District- Jamui

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1. Sonu Kumar S/o Naresh Singh R/o Village- Shokhara-1, P.S.- Phulwariya, District- Begusarai- 851112.
 2. Anand Kumar S/o Late Brahmdeo Sharma R/o Village- Shokhara-1, P.S.- Phulwariya, District- Begusarai- 851112.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Excise Commissioner, Department of Excise, Govt. of Bihar, New Secretariat, Patna- 800001. Bihar, Patna.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nirmala Kumari
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 petitioners and learned APP for the State.

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

Learned counsel for the petitioners 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 petitioners are languishing in custody since



06.03.2020 in a case registered for the offence punishable under Section 30(a) 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 Sub-Inspector, Excise, Jamui to the learned Additional District & Sessions Judge-II, Jamui, is to the effect that a Maruti Wagon R car was intercepted, from which, 192 litres of Indian Made Foreign Liquor were recovered. Petitioner no. 1 is alleged to be driver of the vehicle in question.

It is submitted by learned counsel for the petitioners that the recovery has not been made from conscious physical possession of the petitioners and petitioner no. 1 was not aware about the liquor being kept in the vehicle in question and in fact, he hired a driver for the said vehicle. The investigation has already been concluded and a statement has been made in paragraph no.3 of the petition that the petitioners are not having any criminal antecedent.

Learned APP for the State submits that the recovery has been made from the vehicle in question which was being driven by petitioner no. 1.

Considering the fact that the investigation has



already been concluded, period under custody and statement made in paragraph no.3 of the petition that the petitioners are not having any criminal antecedent, let the petitioners 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), Jamui in connection with (Official) Complaint No. 79C2 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 petitioners which may be transmitted by such surety to the learned Court concerned through e-mode.

The provisional bail of the petitioners will be confirmed by the learned Court below within three months on furnishing bail bond of Rs.10000/- (ten thousand) each 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 Sessions Judge-II -cum- Special Judge (Excise), Jamui in connection with (Official) Complaint No. 79C2 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 is disposed of.

(Dinesh Kumar Singh, J)

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