

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.22733 of 2020**

Arising Out of PS. Case No.-1450 Year-2019 Thana- AHIYAPUR District- Muzaffarpur

1. Surjeet Rai @ Surajit Roy S/o Late Sukh Lal Rai Resident of Village-Dharmpur, P.S.-Chuchura @ Chuchur, District-Hugli, State-West Bengal.
2. Babloo Daloi @ Babloo Rai S/o Kisto Daloi @ Isto Daloi @ Isto Dolai Resident of Village-Dharmpur, P.S.-Chuchura @ Chuchur, District-Hugli, State-West Bengal.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Alok Kumar Alok  
For the Opposite Party/s : Mr.APP

**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH**  
**ORAL ORDER**

2      03-09-2020      The Court proceeding has been conducted through virtual mode.

Heard learned counsel for the petitioners 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 petitioners 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 petitioners are languishing in custody since 13.12.2019 in a case registered for the offences punishable under Sections 272, 283 of the Indian Penal Code and Sections 30(a), 36, 38 and 41 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 written report of Awadhesh Kumar Ray, Sub-Inspector of Police, Ahiyapur submitted to the Station House Officer, is to the effect that on 12.12.2019 at 10.00 P.M. during patrolling, a secret information was received that through a truck, huge quantity of spirit was being transported, consequently, a truck was intercepted and from the truck in question, total 7800 litres of spirit were recovered. The petitioners being driver and cleaner of the truck in question were arrested.

It is submitted by learned counsel for the petitioners that the petitioners were unaware about the articles being loaded on the truck in question. The investigation has already been concluded and there is no likelihood of trial being concluded in near future. 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 huge quantity of spirit were recovered and the petitioners are driver and cleaner of the truck in question.

Considering the fact that the investigation has already been concluded and statement being 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 six months on furnishing one surety to the satisfaction of the learned Special Judge, Excise Act, Muzaffarpur in connection with Ahiyapur P.S. Case No. 1450 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 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 six 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 Special Judge, Excise Act, Muzaffarpur in connection with Ahiyapur P.S. Case No. 1450 of 2019.

**Since the petitioners are resident of West Bengal hence, both the bailors should be local and at present the petitioners are released provisionally for six months. The provisional bail of the petitioners will be confirmed by the learned Court below, if the petitioners file an affidavit with regard to the fact that they are not involved in similar nature of offence. The learned Court below will be at liberty to cancel the bail bonds of the petitioners, if they default for two consecutive occasions during trial.**

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.

Accordingly, the application stands disposed of.

**(Dinesh Kumar Singh, J)**

DKS/-

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