

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21359 of 2020

Arising Out of PS. Case No.-329 Year-2020 Thana- KANKARBAG District- Patna

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SANJAY NAT @ SANJAY NATH Son of Aspatali Nat Resident of Old Pani
Tanki, Near Rainbow Field Jhoparpatti, P.S.- Kankerbagh, District - Patna

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar Shrivastava

For the Opposite Party/s : Mr. Shantanu Kumar

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**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN
SINGH**

ORAL ORDER

5 03-09-2020 Heard learned counsel for the parties.

This application for regular bail arises out of Kankerbagh P.S. Case No. 329 of 2020, disclosing offence punishable under Sections 272/273 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

On a secret information that the petitioner and a co-accused were involved in trade of illicit liquor, a police party had conducted a raid leading to recovery of 154.400 litres of country-made liquor from a handbarrow located, allegedly near the thatched house of the petitioner. The said handbarrow was for the use of garbage collection and the illicit liquor was found packed in jute bag.

Learned counsel appearing on behalf of the petitioner



has submitted that there is nothing to indicate that the said handbarrow was in petitioner's conscious possession. He has submitted that the petitioner had no concern with the place from where the police allegedly recovered the illicit liquor.

On careful perusal of the FIR, it appears that the petitioner was arrested on the basis of suspicion of his involvement. Except that the petitioner's own confessional statement said to have been made before the police, which has been mentioned in the FIR, there is no other material to connect the petitioner with the seizure in question.

Considering the facts and circumstances, this application is allowed. Let the petitioner, above-named, be released on bail on furnishing bail bonds of Rs. 10,000/-(ten thousand), with two sureties of the like amount, each to the satisfaction of learned Special Judge, Excise, Patna in Kankerbagh P.S. Case No. 329 of 2020.

It is directed that defects in the application pointed out by the Registry must be removed within two months from today.

Since there is a lockdown, the Court has considered it appropriate to adopt following procedure for communication of the present order:-



(i) The order, which has been dictated during the course of the proceedings of virtual Court, shall be communicated to me on my e-mail I.D. by the Secretary.

(ii) The corrected copy of the order shall be transmitted by me from my e-mail I.D. to the Secretary, which shall be treated to be the authentic copy of the order passed by this Court today in the present proceeding.

(iii) Hard copy of the order, duly signed by me, shall be preserved in my residential office for documentation and future use, if any.

(iv) Let a copy of the order be communicated to the learned court below through e-mail or any other appropriate electronic mode by the Registry.

Let steps be taken by the Registry for uploading of the present order without compromising with the norms of social-distancing.

(Chakradhari Sharan Singh, J)

Rajesh/-

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