

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No. 22037 of 2020

Arising out of G.O. Case No.-5 Year-2020 Thana-Government Official District-Sitamarhi

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Satyam Kumar, Male, aged about 30 years, son of Jay Kishore Singh, resident of village-Dhanaur@ Dhanaul, P.S.-Katra, District-Muzaffarpur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr. Vaidehi Raman Prasad Singh, Advocate
For the Opposite Party : Mr. Shailendra Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

2 07-08-2020 Filing through email of the present application has been accepted in view of the out-break of COVID-19 Pandemic and has been posted before me for hearing through video conferencing.

The application is apparently not in accordance with the provisions prescribed under the Patna High Court Rules, which do not contemplate filing of application through email. In spite of that, considering the extra-ordinary situation, filing of the present application has been allowed through email.

Considering the situation prevailing, the Court has considered, for the present, to ignore the deficiency in filing of the application.

Heard Mr. Vaidehi Raman Prasad Singh, learned



counsel for the petitioner and Mr. Shailendra Kumar, learned Additional Public Prosecutor for the State through video conferencing.

The petitioner seeks bail in connection with G.O. Case No. 5 of 2020 registered under Section 30(a) of the Bihar Prohibition and Excise Act, 2016 pending in the court of Special Judge, Excise Act, Sitamarhi.

The case is based on the prosecution report dated 04.01.2020 of the Inspector, Prohibition, Sitamarhi with respect to an occurrence which is alleged to have taken place at village-Ukhra, Lachaka Pul on 04.01.2020 at 01:00 am.

As per the prosecution report, on the instruction of the Superintendent, Prohibition, Sitamarhi, the informant along with other Excise officials and armed forces reached at village-Ukhra Lachka Pul and found that cartons of wine were being unloaded from a truck and were being loaded on three different vehicles. Seeing the raiding party, the persons assembled there started fleeing away, but the petitioner, who was driver of the Bolero pick up van bearing Registration No.BR06GD0179, was apprehended. Altogether 4709.52 liters of liquor were recovered from the vehicles.

Mr. Vaidehi Raman Prasad Singh, learned counsel



appearing for the petitioner submitted that the petitioner is a poor Bolero vehicle driver. He was involved in loading the wine cartons on his Bolero vehicle as instructed by the owner of the vehicle. He has no criminal antecedent and his involvement in the case is because of the bona fide conduct of obeying the orders of his master. He is in custody since 05.01.2020 and having got roots in the society is not likely to abscond or tamper with the evidence.

Mr. Shailendra Kumar, learned Additional Public Prosecutor appearing for the State opposed the application for grant of bail to the petitioner. He contended that it is a case of inter-State smuggling of liquor. The truck on which cartons of wines were loaded was booked from Taran Taran, Punjab and after unloading the cartons from the truck, they were being loaded at Muzaffarpur in three vehicles. The petitioner was the driver of one of those vehicles. He contended that the professional nature of the crime does not entitle the petitioner to be released on bail.

Having regard to the professional nature of the crime and huge recovery of cartons of liquor, I am not inclined to grant bail to the petitioner for the present. The prayer for bail is rejected.



In case, the trial of the petitioner is not concluded within six months from today, the petitioner would be at liberty to renew his prayer for bail before the court below itself.

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

- (i) The order, which has been dictated during the course of proceeding of the virtual court, shall be communicated to me on my email by the Secretary.
- (ii) The corrected copy of the order shall be transmitted by me from my email id to the Secretary, which shall be treated to be an authentic copy of the order passed by this Court 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 sent to Mr. Vaidehi Raman Prasad Singh, learned counsel for the petitioner also on his email.
- (v) Let steps be taken by the Secretary/registry for uploading of the present order without compromising with the norms of social distancing.

(Ashwani Kumar Singh, J.)

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