

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23362 of 2020

Arising Out of PS. Case No.-533 Year-2019 Thana- BARAUNI District- Begusarai

- =====
1. Ravindra Son of Kalicharan
 2. Deepak Kumar Son of Gajendra Singh
- Both are resident of Hajratpur, Tehsil- Shikarpur, Police Station - Ahmadgarh, District - Buland Shahar, Uttar Pradesh.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr. Navendu Kumar, Advocate
For the Opposite Party : Dr. Mritunjay Kumar Gautam, APP.

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

2 09-10-2020 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 learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

The petitioners have filed the present application under Sections 439 and 440 of the Code of Criminal Procedure for grant of bail in connection with Barauni P.S. Case No.533 of 2019 registered under Sections 414 and 120B of the Indian penal Code and Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

According to the prosecution case, on 20.12.2019, when the informant, Sub-Inspector of Police, was on patrolling duty, he got secret information about movement of a truck laden with illicit liquor. Thereafter, he started checking vehicles and, at about 12.30 PM, on 20.12.2019, he intercepted a truck but the driver and the cleaner started fleeing away. They were apprehended and after opening of the tarpaulin, the informant found 3386 litres liquor of different brands and, accordingly, seizure list was prepared in presence of two independent witnesses. On query, the arrested persons informed the police that they were handed over the truck at Jharkhand by some persons and were instructed to drive the truck to Muzaffarpur and while parking the truck at any line hotel or petrol pump



before Muzaffarpur, make a call on a given number.

Learned counsel for the petitioners submitted that the petitioners are driver and cleaner respectively. There was no recovery from their conscious possession or cabin of the truck. He contended that the petitioners were not aware as to what was laden on the truck. While performing their job, they have been falsely implicated in the instant case.

Learned Additional Public Prosecutor for the State has opposed the application for grant of bail to the petitioners. He contended that huge quantity of illicit liquor was being carried by the petitioners. According to him, inter-state gangs are operating in smuggling of liquor inside the State of Bihar where there is total prohibition.

Regard being had to the recovery of huge quantity of liquor which apparently was smuggled from another State for consumption in the State of Bihar, I am not inclined to grant bail to the petitioners even though they are in custody since 21.12.2019. Their prayer for bail is rejected.

The trial court is directed to expedite the trial and conclude the same as early as possible, preferably within nine months from the date of receipt/production of a copy of this order.



In case, the trial is not concluded within the period stipulated above, the petitioners would be at liberty to renew their prayer for bail before the court below.

Since the court proceedings are being conducted through virtual mode and normal court functioning has not been restored till date, it is considered 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 Senior Secretary.
- (ii) The corrected copy of the order shall be transmitted by me from my email id to the Senior 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. Navendu Kumar, learned counsel for the petitioners also on his email.
- (v) Let steps be taken by the Senior Secretary/registry for



up-loading of the present order without compromising with the norms of social distancing.

(Ashwani Kumar Singh, J)

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