

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22753 of 2020

Arising out of PS. Case No.-649 Year-2019 Thana- MADHAURAH District- Saran

Ashok Ram, Son of Shankar Ram Resident of Village- Pithauri (Pirauta)
Nandlal Ganj, P.S.- Baniyapur, District- Saran at Chapra.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dewendra Narayan Singh, Advocate
For the Opposite Party/s : Mr. APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 04-09-2020 The Court proceeding has been conducted through
virtual mode.

Heard learned counsel for the petitioner 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 petitioner 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 petitioner is languishing in custody since
23.06.2020 in a case registered for the offences punishable
under Section 30(a)/30(d) 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 A.S.I., Saroj Kumar submitted to the Station House Officer, Marhowrah (Gaura O.P.) P.S., is to the effect that on 21.09.2019 during night patrolling, a confidential information was received that near village Mothahan, co-accused Ankit Kumar Singh and Chandan Yadav have brought huge quantity of Indian Made Foreign liquor on a truck as they are involved in trade of liquor. The informant raided the place and found a truck parked on the road, from which, 3991.8 litres of Indian Made Foreign liquor were recovered. The local Chowkidar suggested the name of eleven persons including the petitioner involved in the trade of liquor.

It is submitted by learned counsel for the petitioner that only on the statement of Chowkidar, the name of the petitioner sprang up and neither the petitioner is the owner of the seized truck or the liquor, statement to that effect has been made in paragraph 8 of the petition. A statement has been made in paragraph no. 3 of the petition that the petitioner is not having any criminal antecedent and investigation has already been concluded. Moreover, out of eleven accused persons, two



persons namely Ashok Yadav and Chandan Yadav have been granted bail by Co-ordinate bench of this Court vide order dated 15.11.2019 passed in Cr.Misc. No. 68166 of 2019 and order dated 18.11.2019 passed in Cr. Misc. No. 72286 of 2019, who are alleged to have brought the truck loaded with liquor.

Learned APP for the State submits that the petitioner is one of the associates of the liquor traders.

Considering the fact that the investigation has already been concluded and suspicious nature of accusation, coupled with the statement made in paragraph no. 3 of the petition that the petitioner is not having any criminal antecedent, let the petitioner 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), Saran at Chapra in connection with Marhowrah P.S. Case No. 649 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 petitioner which may be transmitted by such surety to the learned Court concerned through e-mode.



The provisional bail of the petitioner will be confirmed by the learned Court below within three months on furnishing bail bond of Rs.10000/- (ten thousand) 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), Saran at Chapra in connection with Marhowrah P.S. Case No. 649 of 2019.

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 stands disposed of.

(Dinesh Kumar Singh, J)

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