

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23324 of 2020

Arising out of PS. Case No.-345 Year-2020 Thana- HAJIPUR SADAR District- Vaishali

Saurav Kumar S/o Sri Vinod Chaudhary @ Vinod Kumar Chaudhari Resident
of Village- Daulatpur, P.S.- Hatipur Sadar, Distt- Vaishali- 844102. Petitioner/s
Versus

The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Satyabir Bharti, Advocate
For the Opposite Party/s : Mr. Tapeswar Sharma, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 16-09-2020 The Court proceeding has been conducted through
virtual mode.

Heard Mr. Satyabir Bharti, learned counsel for the
petitioner and Mr. Tapeswar Sharma, 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
09.06.2020 in a case registered for the offence punishable under
Section 30(a) of Bihar Prohibition and Excise Act, 2016, as



amended by Act 8 of 2018 and Section 414 of the Indian Penal Code, hence, the prayer for bail has been made through the present application.

The prosecution case, as per the written report of Vikash Kumar, S.I. submitted to the Station House Officer, Hajipur Sadar P.S., is to the effect that on 06/07.06.2020 at 10 P.M. during the night patrolling, a confidential information was received that truck loaded with liquor is parked near the Lord Shiva Temple, consequently, a raid was laid and unknown person trying to escape was apprehended who disclosed his name as Saurav Kumar, the petitioner. From the truck in question, total 2891.52 litres Indian Made Foreign liquor was recovered. The petitioner suggested that he was deputed by the driver and the cleaner of the truck to guard the same.

It is submitted by learned counsel for the petitioner that only on suspicion the petitioner has been roped in the present case as he was jogging at the relevant time and the police apprehended him and allowed the driver and cleaner to flee away. In fact, the truck is not owned by the petitioner neither the petitioner was driver or cleaner of the truck in question, statement to that effect has been made in paragraph no. 7 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.

Learned APP for the State submits that the petitioner was apprehended from the place of seizure.

Considering the fact that the recovery has not been made from the possession of the petitioner and there is nothing on record to suggest that the petitioner is in any way connected with the truck in question and investigation has already been concluded, 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), Vaishali at Hajipur in connection with Hajipur Sadar P.S. Case No. 345 of 2020.

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), Vaishali at Hajipur in connection with Hajipur Sadar P.S. Case No. 345 of 2020.

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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