

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23305 of 2020

Arising out of PS. Case No.-90 Year-2020 Thana- JOKIHAT District- Araria

Md. Shahnawaz Son of Md. Firoz Resident of Village-Shekhorchak, P.S.-
Katraha, District-Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Sharma, Advocate
For the Opposite Party/s : Mr. APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 14-09-2020 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
19.03.2020 in a case registered for the offences punishable



under Section 30(a) 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 S.I. of Excise Prohibition, Mr. Prashant Kumar, submitted to the 2nd Additional Sessions Judge-cum-Special Judge, Araria, on 18.03.2020 is to the effect that, a confidential information was received that through two trucks, the liquor was being transported, consequently, during vehicle check, bearing Regn. No. WB 19K 2224 was intercepted, which was being driven by the petitioner, Md. Shahnawaz and from the truck in question, total 3510 litres of Indian Made Foreign liquor were recovered and the other truck bearing Regn. No. WB 19J 3560 which was being driven by Md. Arman was intercepted from which, 2196 litres Indian Made Foreign liquor were recovered. The vehicle was found registered in the name of Md. Saddam.

It is submitted by learned counsel for the petitioner that the petitioner is not the owner of the truck nor the petitioner has any concern with the liquor loaded on the vehicle in question and he was not aware about the liquor kept in the truck as the same was kept hidden in between the sacks of paddy straw and investigation has already been concluded. A statement



has been made in paragraph no. 3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP for the State submits that the huge quantity of liquor has been recovered from the vehicle which was being driven by the petitioner.

Considering the fact that the investigation has already been concluded and 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), Araria in connection with Special Case No. 344 of 2020 arising out Jokihat P.S. Case No. 90 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), Araria in connection with Special Case No. 344 of 2020 arising out Jokihat P.S. Case No. 90 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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