

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32074 of 2020

Arising Out of PS. Case No.-370 Year-2020 Thana- BEGUSARAI MUFFASIL District-
Begusarai

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Bishwanath Singh @ Vishwanath Kumar Singh, Son of Late Singho Singh,
Resident of Village - Kapasia, P.S. - Town, District - Begusarai.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr. Sandip Kumar Gautam, Advocate

For the Opposite Party : Mr. Rajesh Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

2 08-12-2020 Heard learned counsel for the petitioner and learned

Additional Public Prosecutor for the State.

2. The petitioner has filed the present application under Sections 439 and 440 of the Code of Criminal Procedure for grant of bail in connection with Muffasil P.S. Case No.370 of 2020 registered under Sections 290, 120B of the Indian Penal Code and Sections 30(a) and 41(1) of the Bihar Prohibition and Excise Act, 2016.

3. It is contended by the learned counsel for the petitioner that the petitioner has been made accused in this case only on the basis of recovery of 774 liters foreign liquor was made from a pick up van bearing Registration No.BR10GA-9968 near the coal depot of the petitioner. It is further contended that the petitioner is neither the owner of pick up van nor the driver of pick



up van. He has clean antecedent. He has nothing to do with the alleged liquor seized from the place of occurrence and his implication in the case is only on the basis of hypothetical presumption and wild suspicion.

4. Learned counsel for the State has opposed the application for grant of bail to the petitioner.

5. Considering the nature of the offence, the allegations made in the first information report, the submissions advanced on behalf of the parties and the period of about four and a half months undergone by the petitioner in custody, he is directed to be released on bail on furnishing bail bond of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-II-cum-Special Judge, Excise Act, Begusarai in connection with Muffasil P.S. Case No.370 of 2020.

6. 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 e-mail by the Senior Secretary.
- (ii) The corrected copy of the order shall be transmitted by



me from my e-mail 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 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.)

sanjeet/-

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