

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32099 of 2020

Arising Out of PS. Case No.-423 Year-2020 Thana- TURKAULIYA District- East
Champaran

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1. Chandan Kumar, Son of Gopal Sah, Resident of Village - Nandpur, P.S. - Muffasil, District - East Champaran.
 2. Sumit Singh, Son of Nagendra Singh, Resident of Village- Raurkela, P.S. - Sector -18, District - Sundargarh (Udhisa)

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners : Mr. Abhishek Kumar, Advocate
For the Opposite Party : Mr. Ramchandra Singh, APP

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

2 09-12-2020 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

2. 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 Turkauliya (Banjariya) P.S. Case No.423 of 2020 registered under Sections 272, 273 read with 34 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

3. It is contended that there is no recovery of illicit liquor either from the possession of the petitioners or from their houses. The alleged recovery of liquor was admittedly made from the lodge of co-accused Ravi Kumar. The seizure list would also suggest that the recoveries were made from the lodge belonging to



the co-accused Ravi Kumar. The petitioners have been apprehended merely because they were also found present in a room of the lodge. It is contended that the petitioners have got no criminal antecedent and they were not at all aware of nefarious activities of the co-accused Ravi Kumar, who has got criminal antecedent also.

4. Learned counsel for the State has opposed the application for grant of bail to the petitioners. He has stated that on perusal of the first information report, it would be evident that they were also accomplice of co-accused Ravi Kumar from whose lodge recovery of illicit liquor was made.

5. Having heard the parties and perused the first information report and the seizure list, since the recoveries were made from the lodge belonging to the co-accused Ravi Kumar, the petitioners, who have stated in para 3 of the application that they have no criminal antecedent and are in custody since 04.07.2020, are directed to be released on bail on furnishing bail bond of Rs.10,000/- (Rupees ten thousand) each with two sureties of the like amount each to the satisfaction of the learned 7th Additional Sessions Judge-cum-Special Judge, Excise, East Champaran, Motihari in connection with Turkauliya (Banjariya) P.S. Case No.423 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.)

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