

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35808 of 2019

Arising Out of PS. Case No.-26 Year-2019 Thana- SAHJAHANPUR District- Patna

Pradeep Kumar @ Suraj Kumar Son of Dinesh Singh Resident of Village -
Pinipar, P.S.- Chandi, District- Nalanda

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manish Kumar No2

For the Opposite Party/s : Mr.Shantanu Kumar

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

4 16-06-2020 The matter has been taken up through virtual court
proceeding.

Heard learned counsels for the petitioner and the
State.

The present application has been filed with a prayer
for bail in a case registered for the offences punishable under
Sections 279, 337 and 338 of the IPC, Section 185 of the Motor
Vehicles Act and Sections 37(a)(b)(c) of the Bihar Prohibition
and Excise Act, 2016, as amended by Amendment Act 8 of
2018, hereinafter referred to as ‘the Act’).

A bench of this Court, vide order dated 10.06.2019,
granted provisional bail to the petitioner who was in custody
since 07.04.2019 and further directed the matter to be listed
after disposal of S.L.P. (C) Nos. 27949-29763 of 2016, wherein



the vires of the Bihar Excise Act, 1915 and the Bihar Prohibition and Excise Act, 2016 is under challenge. The relevant portion of the order reads as follows:-

“Recently, the Full Bench of this Court in a case i.e. Criminal Appeal (SJ) No. 431 of 2019 (Ram Vinay Yadav vs. The State of Bihar) has noticed that vires of entire Excise Act as well as amended Excise Act is pending before the Hon’ble Supreme Court.

The Court is of opinion that since vires of entire Excise Act, 2016 is already sub-judice before the Hon’ble Supreme Court, it would not be appropriate for this court to finally dispose of any case pertaining to Excise Act, 2016. However, at the same time, it would not be appropriate to allow a person to remain in custody for an indefinite period.

List this matter after disposal of S.L.P. (C) Nos. 27949-29763 of 2016 and connected writ petitions pending before the Hon’ble Supreme Court.

Till further order, the petitioner namely, Pradeep Kumar @ Suraj Kumar is directed to be released provisionally on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise Act, Patna in connection with Shahjahanpur P.S. Case No. 26 of 2019, corresponding to Spl. Case No. 3634 of 2019.”

Due to present pandemic Covid-19, the physical court proceedings in the Supreme Court are not being conducted, as a result, there is no likelihood of the aforementioned S.L.P. being



disposed of in near future. Hence, the application has been heard on merits.

The prosecution case, as per the written report of S.I., Rajendra Prasad Yadav, submitted to the S.H.O., Shahjahanpur Police Station is to the effect that on 06.04.2019, during night patrolling, near N.H.30A, the informant found that a Hundai car has dashed a parked truck and the owner of the vehicle in question has received grievous injury, as a result, he has been taken to hospital for treatment, however, the driver of the vehicle in question was caught hold by the people, who disclosed his name as Pradeep Kumar, the petitioner and he was found in inebriated condition.

It is submitted by learned counsel for the petitioner that it is simply a case of accident and the petitioner has maliciously been framed in the present case. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent. It is further submitted that there is nothing on record to suggest that the petitioner has misused the privilege of provisional bail.

Learned APP submits that the petitioner was found in inebriated condition.

Considering the nature of accusation and submissions



of the parties, particularly the fact that there is nothing on record to suggest that the petitioner has misused the privilege of provisional bail, the provisional bail, granted to the petitioner vide order dated 10.06.2019 in connection with Shahjahanpur P.S. Case No. 26 of 2019, corresponding to Spl. Case No. 3634 of 2019, pending in the Court of learned Special Judge, Excise Act, Patna, is hereby confirmed.

Accordingly, the order dated 10.06.2019 stands modified to the extent of placing the matter after disposal of aforementioned S.L.P.

Accordingly, the present application is disposed of.

(Dinesh Kumar Singh, J)

Amrendra/-

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