

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70324 of 2019

Arising Out of PS. Case No.-169 Year-2019 Thana- SALIMPUR District- Patna

1. NAGMANI RAI, Son of Mundrika Rai, Resident of Village-Kaladiyara, P.S.-Salimpur, District-Patna.
2. Satyendra Kumar @ Fantush, Son of Late Shyamdeo Rai, Resident of Village-Kaladiyara, P.S.-Salimpur, District-Patna.
3. Shailendra Kumar, Son of Lalan Rai @ Lalan Prasad, Resident of Village-Kaladiyara, P.S.-Salimpur, District-Patna.
4. Pokhan Rai, Son of Late Ramu Rai, Resident of Village-Gayaspur Mahaji, P.S.-Salimpur, District-Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs. Usha Kumari Singh, Adv.
For the Opposite Party/s : Mr. Suresh Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

6 09-06-2020 The matter has been taken up through virtual Court proceeding.

Heard learned counsel for the petitioners and learned APP for the State.

The petitioners are apprehending arrest in a case registered for the offences punishable under Sections 30(a), 32(1)(2)(3) and 41(1) of the Bihar Prohibition and Excise Act, 2016, as amended by Amendment Act 8 of 2018 (hereinafter referred to as 'the Act').

The prosecution case, as per the self statement of Anil Kumar Pandey, S.I.-cum-S.H.O., Salimpur Police Station, recorded on 11.08.2019, is to the effect that on 10.08.2019 at



11.30 P.M., a secret information was received that 16 FIR named accused persons, including the petitioners, have brought huge quantity of liquor through a truck and are trying to load it on a boat. Consequently, a raid was laid and total 5328 litres of Indian Made Foreign Liquor were recovered from a truck. During investigation, the truck was found registered in the name of co-accused, Deepak.

It is submitted by learned counsel for the petitioners that the petitioners were not apprehended from the place of seizure but only on the basis of suspicion, the accusation has been levelled against the petitioners. A statement has been made in paragraph no.3 of the petition that except petitioner no.4, all the petitioners are not having any criminal antecedent and the petitioner no.4. who is accused in one other case, in which he is on bail. It is further submitted that similarly situated co-accused have been granted anticipatory bail by a Co-ordinate bench of this Court vide order 06.03.2020 passed in Criminal Miscellaneous No. 76127 of 2019.

Learned APP for the State submits that the petitioners managed to escape from the scene on arrive of police. However, the case diary reflects that there is no recovery from the possession of the petitioners.



Considering the fact that the recovery has been made from a truck but there is nothing on record to suggest that the truck belongs to the petitioners, let the petitioner above named be released on provisional anticipatory bail for three months, in the event of arrest or surrender before the learned Court below within a period of 6 weeks from today, on furnishing one surety to the satisfaction of the learned Special Judge (Excise), Patna, in connection with Salimpur P.S. Case No.169 of 2019.

However, in view of the present pandemic COVID-19, it will be open for the learned Court below to accept the bail bond on 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 anticipatory bail of the petitioner will be confirmed by the learned Court below within three months on furnishing bail bond of Rs.10,000/- (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 Special Judge (Excise), Patna, in connection with Salimpur P.S. Case No.169 of 2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.



The learned Court below will further be at liberty to extend the period of provisional anticipatory bail further if the court proceeding in physical mode will not resume in next three months.

(Dinesh Kumar Singh, J)

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