

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70476 of 2019

Arising Out of PS. Case No.-255 Year-2018 Thana- SASARAM MUFFSIL District- Rohtas

RAVI SINGH Son of Kameshwar Singh Resident of Village-Dhawdarh, P.S.-
Sasaram (M), District-Rohtas at Sasaram.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dharmendra Kumar Singh

For the Opposite Party/s : Mr.Shailendra Kumar

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

10 20-08-2020

The court proceeding has been conducted through
virtual mode.

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

The petitioner is apprehending his arrest in a case
registered for the offences punishable under Sections 30 (a), 34
and 38 of the Bihar Prohibition and Excise Act, 2016 as
amended by Amendment Act 8 of 2018.

The prosecution case, as per the written report of
S.I. Dharmendra Kumar, Submitted to the S.H.O., Sasaram
Mufassil Police Station is to the effect that on 11.12.2018 at
about 8.40 P.M., a confidential information was received that
eleven accused persons including the petitioner are indulged in
trade of liquor. Consequently, raid was laid and from the



agricultural filed of Yamuna Singh, situated adjacent to the forest area, kept under the heap of straw, total 2764.800 litres of Indian Made Foreign Liquor were recovered.

Learned counsel for the petitioner submits that recovery cannot be treated from the conscious physical possession of the petitioner as the seizure list suggests that the recovery has been made from the agricultural filed of Yamuna Singh. The petitioner was not apprehended from the spot and only on the basis of suspicion, the petitioner has maliciously been roped in the present case. Moreover, the case has also been registered under Section 38 of the Bihar Prohibition and Excise Act, 2016, which has already been repealed by Amendment Act 8 of 2018. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP submits that on a confidential information that 11 accused persons including the petitioner are indulged in trade of liquor, raid was laid and huge quantity of illicit liquor were recovered.

Considering the fact that seizure list does not suggest the recovery from the conscious physical possession of the petitioner, coupled with the statement made in paragraph no.3 of the petition to the effect that the petitioner is not having



any criminal antecedent, the petitioner above named be released on anticipatory bail for the present provisionally for a period of three months, in the event of arrest or surrender before the learned Court below from today, on furnishing one surety to the satisfaction of the learned A.D.J.-II-cum-Special Judge, Excise, Rohtas at Sasaram, in connection with Sasaram (Muffasil) P.S. Case No. 255 of 2019, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

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 petitioners 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 a period of 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 A.D.J.-II-cum-Special Judge, Excise, Rohtas at Sasaram, in connection with Sasaram (Muffasil) P.S. Case No. 255 of 2019.



The learned Court below will 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.

Accordingly, the present application is disposed of.

(Dinesh Kumar Singh, J)

Amrendra/-

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