

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72500 of 2019

Arising Out of PS. Case No.-189 Year-2019 Thana- BHANGWANPUR HAT District- Siwan

SATAR MIYA Son of Rozdin Miya Resident of Saghar Sultanpur, P.S.-
Bhagwanpur Hatt, District- Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : None

For the Opposite Party/s : Mr. Kanhaiya Kishore (APP)

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

5 15-06-2020 The matter has been taken up through virtual Court proceeding.

None appears for the petitioner, However, learned counsel for the State is present.

The petitioner is apprehending arrest in a case registered for the offences punishable under Sections 30(a) and 41(i) of the Bihar Prohibition and Excise Act, 2016 as amended by Act 8 of Amendment Act, 2018.

The prosecution case, as per the written report of Ram Nath Prasad, S.I. of Police, Bhagwanpur hat Police Station submitted to the SHO, Bhagwanpur Hat Police Station, is to the effect that on 14.9.2019, a confidential information was received that the petitioner and co-accused Naresh Ram alias Doma Ram are indulged in trade of liquor. Consequently, a raid was laid and three litres of country made liquor was recovered underneath a



mango tree.

From the pleadings in the petition, it appears that the recovery has not been made from the conscious physical possession of the petitioner, rather it has been made from an open area. Statement has been made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP submits that as per confidential information, the petitioner and other co-accused were found selling liquor.

Considering the fact that recovery has not been made from the conscious physical possession of the petitioner and statement made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent, let the petitioner above named, in the event of arrest or surrender within six weeks, be released on anticipatory bail for the present, provisionally for a period of three months on furnishing one surety to the satisfaction of the learned ADJ II-cum-Special Judge, Excise, Siwan in connection with Bhagwanpur Hatt P.S. Case No. 189 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.10000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned ADJ II-cum-Special Judge, Excise, Siwan including one surety given at the time of provisional anticipatory bail.

The learned Court below will be at liberty to further extend the period of provisional bail if the lock down is not over in three months.

(Dinesh Kumar Singh, J)

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