

IN THE HIGH COURT OF JUDICATURE AT PATNA
Cr. Misc. No. 81010 of 2019

1. Ashok Kumar, Son of Ravikant Prasad, Resident of Village-Gaipahari, Police Station-Barkattha, District-Hazaribagh (Jharkhand).
2. Nageshwar Kumar, Son of Tuklal Mahto @ Toklal Mahto, Resident of Village-Pesra, Police Station-Barkattha, District-Hazaribagh (Jharkhand).

... .. Petitioners

Versus

The State of Bihar

.. ... Opposite Party

Appearance :

For the Petitioners : Mr. Ravi Ranjan, Advocate

For the Respondent State: Dr. (Mrs.) Indihar Kumari, APP

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

4 12-05-2020 Heard Mr. Ravi Ranjan, learned Counsel appearing for the petitioners and Dr. (Mrs.) Indihar Kumari, learned Additional Public Prosecutor, for the State of Bihar.

This application for grant of regular bail arises out of Gaighat P.S. Case No.362 2019 registered for the offence punishable under Section 414 of the Indian Penal Code and Sections 30(a), 38 and 41 of the Bihar Prohibition and Excise Act, 2016.

It is the case of the prosecution that from a Bolero vehicle, in course of search conducted by the police, 196 liters of the foreign liquor was seized.

On a careful reading of the First Information Report, it is evident that allegedly there were only two occupants in the said vehicle, i.e., these petitioners, who were apprehended by



the police on chase.

Learned counsel for the petitioners has argued that as a matter of fact, the petitioners had come from the State of Jharkhand to the State of Bihar to visit certain places of tourists importance. He has also submitted that the marriage of the sister of the petitioner No.2 had been fixed, but has been postponed because of the ongoing lock down consequent upon outbreak of COVID-19.

Be that as it may, considering the nature of accusation and huge quantity of foreign liquor, said to have been recovered from the petitioners' possession, I am not inclined to allow the petitioners privilege of regular bail for the present. The petitioners shall be at liberty to renew their prayer for bail after completion of one year of their custody.

This application is accordingly rejected with the aforesaid observation.

Since there is a lock down, the Court has considered it appropriate to adopt following procedure for communication of the present order :-

(i) The order, which has been dictated during the course of the proceedings of virtual Court, shall be communicated to me on my e-mail I.D. by the Secretary.

(ii) The corrected copy of the order shall be



transmitted by me from my e-mail I.D. to the Secretary, which shall be treated to be the authentic copy of the order passed by this Court today 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 a copy of the order be communicated to the learned Court below through e-mail or any other appropriate electronic mode by the Registry.

Let steps be taken by the Registry for uploading of the present order without compromising with the norms of social distancing.

(Chakradhari Sharan Singh, J)

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