

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.87315 of 2019

Arising Out of PS. Case No.-849 Year-2019 Thana- GOVERNMENT OFFICIAL COMP.
District- Kaimur (Bhabua)

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1. SAHID KHAN @ SAHID Son of Kundan @ KUNDAN KHAN Resident of Village - Gorwas, P.S.- Hasanpur, District - Panwal (Hariyana).
 2. Saddam Son of Late Kallu Resident of Village - Gorwas, P.S.- Hasanpur, District - Panwal (Hariyana).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pawan Kumar Singh

For the Opposite Party/s : Mr.Nand Kumar

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

4 11-06-2020 The matter has been taken up through virtual court proceeding.

Heard learned counsels for the petitioner and the State.

The petitioner, who is languishing in custody since 19.11.2019, has preferred the present application for grant of bail in a case registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2016, as amended by Amendment Act 8 of 2018.

As per the prosecution case, 2376 litres of Indian Made Foreign Liquor were recovered from a truck. The petitioners are alleged to be the driver and cleaner of the truck in



question.

It is submitted by learned counsel for the petitioners that the petitioners were not aware about the illicit liquor being kept in the truck. The investigation has already been concluded. A statement has been made in paragraph no.3 of the petition that the petitioners are not having any criminal antecedent.

Learned APP submits that the petitioners were the driver and cleaner of the truck from which the recovery has been made.

Considering the period under custody and investigation already being concluded coupled with the fact that the petitioners are not having any criminal antecedent, let the petitioner above named be released on bail for the present provisionally for a period of three months on furnishing one surety to the satisfaction of the learned Additional Sessions Judge 3rd-cum-Special Judge, Excise, Kaimur at Bhabua in connection with Excise Case No. 849 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 bail of the petitioner will be confirmed by the learned Court below within three months on furnishing bail bond of Rs.10000/- (ten thousand) each with two sureties including one surety given at the time of provisional bail of the like amount each to the satisfaction of Additional Sessions Judge 3rd-cum-Special Judge, Excise, Kaimur at Bhabua in connection with Excise Case No. 849 of 2019 subject to the condition that one of the bailors must be local.

If the petitioners default for three consecutive occasions, the learned Court below will be at liberty to cancel the bail bonds of the petitioners.

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

(Dinesh Kumar Singh, J)

Amrendra/-

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