

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4090 of 2020

Arising Out of PS. Case No.-52 Year-2019 Thana- GOVERNMENT OFFICIAL COMP.
District- Samastipur

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Babloo Sahni Son of Jai Narayan Sahni Resident of - Hanuman Nagar, Ward
No. 08, P.S.- Rosra, District- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sanjay Kumar No 7

For the Opposite Party/s : Mr.Rajendra Prasad Nat

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

5 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
26.11.2019, has preferred the present application for grant of
bail in a case registered for the offence 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 report, 13 litres of country
made liquor were recovered from the courtyard of the petitioner.

It is submitted by learned counsel for the petitioner
that the recovery has been made from an open area, hence the



recovery cannot be treated from the conscious physical possession of the petitioner. It is further submitted that the investigation has already been concluded. 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 recovery has been made from the courtyard of the petitioner.

Considering the investigation already being concluded, period under custody and the petitioner having no 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 2nd Additional Sessions Judge-cum-Special Judge, Excise, Samastipur in connection with Excise Case No. 52 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) with two sureties including one surety given at the time of provisional bail of the like amount each to the satisfaction of 2nd Additional Sessions Judge-cum-Special Judge, Excise, Samastipur in connection with Excise Case No. 52 of 2019.

The learned Court below will be at liberty to extend the 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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