

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1551 of 2023

In
CRIMINAL MISCELLANEOUS No.12483 of 2020

Arising Out of PS. Case No.-392 Year-2019 Thana- JAKKANPUR District- Patna

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RANJEET KUMAR @ KARAN RAJ Son of Late Naresh Ram Resident of
village- Chandpur Bela, P.S.- Jakkanpur, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ajay Kumar

For the Opposite Party/s : Mr.Bhanu Pratap Singh

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2. 12-07-2023 Heard learned counsel for the parties.

This application has been filed for modification of
order dated 12.06.2020 passed in Cr.Misc. No. 12483 of 2020
whereby following order has been passed:

“Heard learned counsel for the petitioner
and learned APP for the State.

The matter has been taken up through
virtual Court proceeding.

The petitioner 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 the Amendment Act 8 of 2018.

The prosecution case as per the written
report of Md. Moyijjan, S.I. Jakkanpur Police
Station submitted before the S.H.O., Jakkanpur
Police Station is to the effect that on 30.06.2019at
5.00 P.M., during evening patrolling, a



confidential information was received that near Chandpur Bela by a train, liquor is being brought. Consequently, a raid was laid when on seeing the police party, two persons fled away leaving the bags and one plastic carry bag. From the bags altogether, 40 litres of country made liquor were recovered. The local persons suggested that the petitioner and co-accused are involved in illicit trade of liquor.

It is submitted by learned counsel for the petitioner that the recovery has not been made from the conscious physical possession of the petitioner and the petitioner was not apprehended from the place of seizure. The petitioner is accused in one other case of similar nature, but he is on bail in that case. and the investigation has already been concluded.

Learned APP for the State submits that the said recovery has been made from the possession of the petitioner.

Considering the fact that the petitioner was not apprehended from the place of seizure, the investigation has already been concluded, 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 Special Judge, Excise Act, Patna, in connection with Jakkanpur P.S. Case No. 392 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 the Special Judge, Excise Act, Patna, in connection with Jakkanpur P.S. Case No. 392 of 2019.

The learned Court below will further 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.”

It is submitted on behalf of petitioner that during Covid-19 period, the petitioner, himself being covid patient, was under treatment in a hospital from 20.07.2020 to 12.12.2020 and therefore, he could not surrender in time before the Court below.

In view of reasons assigned in paragraph – 3 of the petition, further four weeks time from today is extended to the petitioner to surrender before the court below.

Accordingly, order dated 12.06.2020 passed in Cr.Misc. No. 12483 of 2020 is modified to the above extent only and this modification petition is allowed.

(Prabhat Kumar Singh, J)

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