

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9262 of 2020**

Arising Out of PS. Case No.-738 Year-2019 Thana- GOVERNMENT OFFICIAL COMP.
District- Sitamarhi

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GUDDU KUMAR SINGH (DUMB)@ GUDDU KUMAR SINGH Son of
Late Tej Narayan Singh Resident of Village - Murhaghat, Ward No. 5, P.S.-
Kanhauli, Distt - Sitamarhi, (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : None.

For the Opposite Party/s : Mr.Asha Kumari

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER**

3 12-06-2020 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 languishing in jail since 7.12.2019 in a
case registered for the offence punishable under Section 30(a)
of the Bihar Prohibition and Excise Act, 2016 as amended by
Act 8 of Amendment Act, 2018 of the IPC.

It appears that a report with regard to mental condition of
the petitioner was called for vide order dated 28.2.2020. The
said report is not available on record. However, considering the
physical Court proceedings not being functional due to
pandemic Covid-19, this Court is inclined to consider this



application on merits.

Accordingly, order dated 28.2.2020 stands modified to the extent indicated above.

The prosecution case, as per the S.I. of Police, Excise, Sitamarhi, is to the effect that the petitioner was intercepted by the informant and other police official and 36.00 litres of Nepali Saufi liquor was recovered from the possession of the petitioner, leading to registration of the present case.

From the pleadings, it appears that the petitioner has been falsely framed in the present case and the recovery has not been made from the conscious physical possession of the petitioner. Investigation has already been concluded. Statement has been made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent.

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

Considering the nature of recovery, statement made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent, the investigation being concluded, coupled with the period in custody, 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 District and Sessions Judge II-cum-Special Judge Excise Act, Sitamarhi in connection with Case No. C2/738 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 of the like amount each to the satisfaction of the learned Additional District and Sessions Judge II-cum-Special Judge Excise Act, Sitamarhi including one surety given at the time of provisional bail.

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

(Dinesh Kumar Singh, J)

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