

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9582 of 2020

Arising Out of PS. Case No.-18 Year-2020 Thana- BASANTPUR District- Siwan

=====

Durgesh Kumar, S/o Om Prakash Sah @ Prakash Sah, R/o village- Sareya,
P.S.- Basantpur, District- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Bijay Prakash Singh, Advocate

For the Opposite Party/s : Mr.Nand Kumar, APP

=====

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 14-05-2020 The matter has been listed today for consideration through video conferencing in view of the nationwide lockdown on account of COVID-19 pandemic.

The learned counsels are appearing and making submissions from their residence. The Court Master and Secretary are also part of this virtual Court proceedings from their homes, all with the aid of audio visual technology.

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

The petitioner seeks bail in connection with Basantpur P.S. Case No.18 of 2020 instituted for the offence under Sections 272, 273, 308, 34 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

For an alleged recovery of 57 Litres 960 Ml. of Indian



Made Foreign Liquor (IMFL) from the *Angan* of joint family property of the petitioner, he is in custody since 21.01.2020.

Petitioner's counsel submits that it a case of false implication. Chargesheet has been submitted and seizure is in violation of Section 100 Cr.P.C.

Learned APP for the State has opposed the prayer for bail.

Considering the rival submissions, this Court is inclined to allow the petitioner's prayer for bail.

Accordingly, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned 2nd Additional Sessions Judge-cum-Special Judge, Excise, Siwan, in connection with Basantpur P.S. Case No.18 of 2020, subject to the following conditions:

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his



bail bond will be liable to be cancelled.

It is further made clear that during currency of the nationwide lockdown due to COVID-19 pandemic, requirement of furnishing bail bonds and conditions shall remain suspended and the petitioner be released on executing and furnishing his personal bond to the satisfaction of the court concerned.

The petitioner must comply with the requirement of furnishing bail bonds and conditions in terms of this order within four weeks after normal working resumes, failing which bail granted under this order shall stand cancelled and petitioner shall be liable for the consequences thereof in accordance with law.

Let this order be communicated, without any delay, to the court of learned 2nd Additional Sessions Judge-cum-Special Judge, Excise, Siwan and the competent authority of the State in terms of clause 13 of Notice II published in the Cause List uploaded on the website of the Patna High Court.

(Madhuresh Prasad, J)

PNM

U		T	
---	--	---	--

