

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9680 of 2020

Arising Out of PS. Case No.-1450 Year-2019 Thana- AHIYAPUR District- Muzaffarpur

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Abdul Karim, Son of Abdul Khalik, Resident of Village - Daulatpur, P.S.-
Biasi, District- Purnia, Bihar

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr. Surendra Kumar Singh, Advocate
Md. Shahnawaz Ali, Advocate
For the Opposite Party/s : Mr. Yogendra Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

5 09-10-2020 Filing through email of the present application has

been accepted in view of the out-break of COVID-19 Pandemic

and has been posted before me for hearing through video

conferencing.

The application is apparently not in accordance with

the provisions prescribed under the Patna High Court Rules, which

do not contemplate filing of application through email. In spite of

that, considering the extra-ordinary situation, filing of the present

application has been allowed through email.

Considering the situation prevailing, the Court has

considered, for the present, to ignore the deficiency in filing of the

application.

Heard learned counsel for the petitioner and learned



Additional Public Prosecutor for the State.

The petitioner has filed the present application under Sections 439 and 440 of the Code of Criminal Procedure for grant of bail in connection with Ahiyapur P.S. Case No. 1450 of 2019 registered under Sections 272, 273 of the Indian Penal Code and Sections 30(a), 36, 38 and 41 of the Bihar Prohibition and Excise Act, 2016.

As per prosecution case, from a truck bearing Registration No. WB 23A-9698, 7,800 liters of raw spirit was recovered. The driver and cleaner of the truck were arrested at the spot. They disclosed the name of three persons, namely, Umar Farukh, Md. Hasan and the petitioner as the persons on whose behalf they were carrying the raw spirit.

Learned counsel appearing for the petitioner submitted that co-accused Umar Farukh has been granted bail by a Bench of this Court vide order dated 19.03.2020 passed in Cr. Misc. No.10607 of 2020. Similarly, Md. Hasan has been granted bail by another Bench of this Court vide order dated 13.05.2020 passed in Cr. Misc. No.9763 of 2020. It is further contended that co-accused Sujit Rai, the driver and Babloo Daloi, the cleaner of the vehicle in question have also been granted bail vide order dated 03.09.2020 passed in Cr. Misc. No.22733 of 2020.

Learned counsel appearing for the State does not



dispute the aforesaid contentions advanced on behalf of the petitioner.

Regard being had to the reasons assigned in the order dated 19.03.2020 passed in Cr. Misc. No.10607 of 2020, the petitioner is directed to be released on bail on furnishing bail bond of Rs.10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge (Excise Act), Muzaffarpur in connection with Ahiyapur P.S. Case No.1450 of 2019 (GR-2431/19).

Since the court proceedings are being conducted through virtual mode and normal court functioning has not been restored till date, it is considered appropriate to adopt the following procedure for communication of the present order:-

- (i) The order, which has been dictated during the course of proceeding of the virtual court, shall be communicated to me on my email by the Senior Secretary.
- (ii) The corrected copy of the order shall be transmitted by me from my email id to the Senior Secretary, which shall be treated to be an authentic copy of the order passed by this Court in the present proceeding.
- (iii) Hard copy of the order duly signed by me shall be preserved in my residential office for documentation and future use, if any.



- (iv) Let a copy of the order be sent to Mr. Surendra Kumar Singh, learned counsel for the petitioner also on his email.
- (v) Let steps be taken by the Senior Secretary/registry for up-loading of the present order without compromising with the norms of social distancing.

(Ashwani Kumar Singh, J.)

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