

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11942 of 2020

Arising Out of PS. Case No.-2 Year-2020 Thana- CHHAURADANO District- East
Champaran

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NAGENDRA RAM @ NAGENDRA BHAGAT S/o Rasiya Bhagat R/o
Murtiya Tola, P.S.- Adapur, District- East Champaran

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Patanjali Rishi, Advocate
For the Opposite Party/s : Mr.Khurshid Anwar, APP

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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 the 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 Chhauradano (Mahuawa)
P. S. Case No. 02 of 2020 instituted for the offence under
Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

Four persons are said to have been seen coming from
Nepal side at the Indo – Nepal border by the S.S.B. Patrolling
party. Abandoning what they were carrying, it is alleged that
they fled away. The said four persons including the petitioner
were apprehended which led to alleged recovery of 48 liters of
Nepali Kasturi liquor. The petitioner is in custody on the basis



of such allegation since 2.1.2020.

It is submitted by learned Counsel for the petitioner that the petitioner has no criminal antecedent and the prosecution case is that the liquor was abandoned in a bag. Recovery was not from the possession of the petitioners, and cannot be attributed to the petitioner. There is no compliance of the procedure under Section 100 Cr.P.C. There is no forensic opinion to support the prosecution case that the substance seized was actually banned alcoholic substance.

The learned APP for the State 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 Special Judge, Excise Act, East Champaran, in connection with Chhauradano (Mahuawa) P. S. Case No. 02 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 requirements of furnishing bail bonds, and conditions in terms of this order within 4 weeks after normal working resumes, failing which bail granted under this order shall stand cancelled and petitioner liable for the consequences thereof in accordance with law.

Let this order be communicated, without any delay, to the court of learned Special Judge, Excise Act, East Champaran 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)

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