

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20198 of 2020

Arising out of PS. Case No.-251 Year-2019 Thana- BAHADURPUR District- Darbhanga

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Aashish Jha @ Kinsu Jha @ Aashish Kumar Jha Son of Sri Narayan Jha
Resident of Village - Kavilpur, P.S. - Bahadurpur, District - Darbhanga
(Bihar).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Saket Gupta, Advocate

For the Opposite Party/s : Mrs. Asha Devi, APP

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

4 16-09-2020 The Court proceeding has been conducted through
virtual mode.

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

Since the court proceeding in physical mode is non-
functional, due to present pandemic, COVID-19, the matter is
listed with defects.

Learned counsel for the petitioner undertakes to
remove the defects within three weeks of resumption of court
proceeding in physical mode. In the eventuality of non-removal
of defects within undertaken period, the office will place the
matter before the bench.

The petitioner is apprehending his arrest in a case



registered for the offences punishable under Section 30(a)/41 of Bihar Prohibition and Excise Act, 2016, as amended by Act 8 of 2018, hence, the prayer for bail has been made through the present application.

The prosecution case, as per the self statement of Rafiqur Rahman, Inspector-cum-SHO, Bahadurpur P.S. recorded on 27.05.2019 at 3.15 A.M. submitted to the 2nd Additional Sessions Judge-cum-Special Judge (Excise), Darbhanga, is to the effect that on 27.05.2019 during the night patrolling, a confidential information was received that from a pick up van, liquor has been brought in a huge quantity, consequently, a raid was laid and on seeing of the police, some persons escaped from the scene and from the vehicle in question, total 189 litres of Indian Made Foreign liquor was recovered. The Chowkidar identified the persons who were escaped from the scene including the petitioner.

It is submitted by learned counsel for the petitioner that only on suspicion the petitioner has been roped in the present case and the petitioner is not in any way connected with the pick up van in question from which the recovery has been made. Though the petitioner is accused in five other cases he is on bail in all those cases and investigation has already been



concluded.

Learned APP for the State submits that the petitioner has been found fleeing away from the place of seizure.

Considering the fact that the recovery has not been made from the possession of the petitioner and there is nothing on record to suggest that the petitioner is in any way connected with the pick up van in question and investigation has already been concluded, let the petitioner above named be released on provisional anticipatory bail for four months, in the event of arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing one surety to the satisfaction of the learned Additional Sessions Judge-II -cum- Special Judge (Excise), Darbhanga in connection with Bahadurpur P.S. Case No. 251 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 upon 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 anticipatory bail of the petitioner will be confirmed by the learned Court below within four 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 learned Additional Sessions Judge-II -cum- Special Judge (Excise), Darbhanga in connection with Bahadurpur P.S. Case No. 251 of 2019.

The petitioner will co-operate in the investigation, if the investigation has not been concluded. The non-cooperation in the investigation by the petitioner will give liberty to the learned Court below not to confirm the provisional bail of the petitioner.

Accordingly, the application stands disposed of.

(Dinesh Kumar Singh, J)

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