

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.20204 of 2020**

Arising out of PS. Case No.-6 Year-2019 Thana- BAHADURPUR District- Darbhanga

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

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

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

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

**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.

Learned counsel for the petitioner is permitted to  
make necessary correction in paragraph no. 1 of the petition  
within three weeks of resumption of court proceeding in



physical mode.

The petitioner is apprehending his arrest in a case registered for the offences punishable under Sections 30(a)/32(2)41(1) of Bihar Prohibition and Excise Act, 2016, as amended by Act 8 of 2018 and Section 467/468/469 of the Indian Penal Code, hence, the prayer for bail has been made through the present application.

The prosecution case, as per the self statement of Md. Jaza Ali, A.S.I. Bahadurpur P.S. recorded on 05.01.2019 at 10.30 A.M. submitted to the Station House Officer, Bahadarpur P.S., is to the effect that on 05.01.2019 at 12.30 A.M., a confidential information was received that from a truck liquor has been brought in a huge quantity in Housing Board Colony, consequently, a raid was laid and from a dilapidated house 180 litres of Indian Made Foreign liquor was recovered and a truck was found parked in front of the said house, from which, total 782.34 litres of Indian Made Foreign liquor was recovered and co-accused Md. Zakir was arrested from the spot who disclosed that the liquor seized was procured by the petitioner along with other co-accused persons.

It is submitted by learned counsel for the petitioner that the recovery has not been made from the possession of the



petitioner and the petitioner is not in any way connected with the truck in question from which the recovery has been made, statement to that effect has been made in paragraph no. 8 and 9 of the petition. Though the petitioner is accused in five other cases but he is on bail in all those cases and investigation has already been concluded.

Learned APP for the State submits that the name of the petitioner sprang up on the statement of the co-accused Md. Zakir who was apprehended on the spot.

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 truck in question nor does he own the house 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. 06 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. 06 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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