

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20053 of 2020

Arising Out of PS. Case No.-6 Year-2020 Thana- CHEWARA District- Sheikhpura

Rajesh Yadav @ Rajesh Kumar Son of Krishna Yadav @ Krishan Kumar,
Resident of Village - Sirkhindi, P.S.- Halsi, Dist.- Lakhisarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dr. Anjani Pd. Singh

For the Opposite Party/s : Mr.Rajendra Prasad Nat

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 07-07-2020 The matter has been taken up through virtual Court proceeding.

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

Since the physical court proceeding 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 physical court proceeding. In the eventuality of non-removal of defects within undertaken period, the office will place the matter before the bench.

The petitioner is apprehending arrest in a case registered for the offences punishable under Sections 272, 273 of the Indian Penal Code and Section 30(a) of the Bihar



Prohibition and Excise Act, 2016 as amended by Act 8 of 2018.

The prosecution case, as per the written report of S.I., Pramod Kumar, S.H.O., Chewara Police Station submitted to Chief Judicial Magistrate, Sheikhpura, is to the effect that on 10.01.2020 at 3.15 P.M., a confidential information was received that two persons on a motorcycle have come to purchase liquor from one person, consequently, a raid was laid and co-accused Subodh Yadav was apprehended and from his possession, total 20 litres of country made liquor were recovered, who suggested that he and the petitioner, Rajesh Yadav had come to purchase liquor from co-accused Karun Kewat. Subsequently, the motorcycle of the petitioner was also seized parked near the place of seizure.

It is submitted by learned counsel for the petitioner that the recovery has not been made from conscious physical possession of the petitioner rather the same has been made from possession of the co-accused Subodh Yadav and the motorcycle of the petitioner was being used by co-accused Subodh Yadav, of which the petitioner was not aware. A statement has been made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP submits that the name of the



petitioner sprang up on the statement of co-accused Subodh Yadav and his motorcycle was seized from the place of seizure.

Considering the fact that the recovery has not been made from conscious physical possession of the petitioner and statement being made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent, let the petitioner above named be released on provisional anticipatory bail for three months, in the event of arrest or surrender before the learned Court below within a period of 6 weeks from today, on furnishing one surety to the satisfaction of the learned ADJ-IInd, Sheikhpura in connection with Chewara P.S. Case No. 06 of 2020.

However, in view of the present pandemic COVID-19, it will be open for the learned Court below to accept the bail bond on 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 three months on furnishing bail bond of Rs.10,000/- (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 ADJ-IIInd, Sheikhpura in connection with Chewara P.S. Case No. 06 of 2020, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

The learned Court below will be at liberty to further extend the period of provisional anticipatory bail if the court proceeding in physical mode will not resume in next three months.

Accordingly, the application is disposed of.

(Dinesh Kumar Singh, J)

DKS/-

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

