

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19531 of 2020

Arising Out of PS. Case No.-1262 Year-2019 Thana- GOVERNMENT OFFICIAL COMP.
District- Darbhanga

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RAGHABHANDRA KUMAR @ MOHAN CHOUDHARY @ MOHAN
KUMAR CHOUDHARY Son of Prem Shankar Choudhary Resident of
Village - Dharhar, P.S.- Bahadurpur, District - Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Madhusudan Kumar

For the Opposite Party/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 16-06-2020 The matter has been taken up through virtual Court
proceeding.

None appears for the petitioner. However, learned
counsel for the State is present.

The petitioner is languishing in jail since 16.3.2020 in a
case registered for the offences punishable under Section 30(a)
of the Bihar Prohibition and Excise Act, 2016 as amended by
Act 8 of Amendment Act, 2018.

The prosecution case, as per the written report of
Inspector of Excise, Sadar, Darbhanga submitted to the
Special Judge-cum- Additional Sessions Judge, Darbhanga, is
to the effect that during patrolling, one Tata Indigo car of the
petitioner was intercepted but the petitioner managed to escape
from the scene and from the car in question, total 79.560 litres



of Indian Made Foreign liquor were recovered.

From pleadings in the petition, it appears that the recovery has not been made from the conscious physical possession of the petitioner, the vehicle of the petitioner from which, the recovery is alleged to have been made, is old one and was parked behind the house of the petitioner moreover its locks were not in functional condition. The petitioner has been made accused in one other case on the basis of confession of co-accused in which he is on bail. Statement to that effect has been made in paragraph 3 of the petition. The investigation has already been concluded.

Learned APP submits that the recovery has been made from the vehicle in question which belongs to the petitioner.

Considering the nature of recovery, investigation already being concluded coupled with the period in custody, let the petitioner above named be released on bail, for the present, provisionally for a period of three months on furnishing one surety to the satisfaction of the learned 2nd Additional Sessions Judge-cum-Special (Excise Act), Darbhanga in connection with G.O. Case No. 1262 of 2019/P.R. Case No. 41 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 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 bail of the petitioner will be confirmed by the learned Court below within three months on furnishing bail bond of Rs.10000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned 2nd Additional Sessions Judge-cum-Special (Excise Act), Darbhanga including one surety given at the time of provisional bail.

The provisional bail of the petitioner will be confirmed after filing of a certificate on affidavit on behalf of the petitioner before the learned Court below to the effect that all the defect(s), as pointed out by the Stamp reporter, have already been removed. The Registry of the High Court will place the matter before appropriate bench on non-removal of the defects within four weeks of resumption of physical Court proceeding.

The learned Court below will be at liberty to extend the period of provisional bail further if the Court proceeding in



physical mode is not resumed in three months.

anil/-

(Dinesh Kumar Singh, J)

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