

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21956 of 2020

Arising Out of Case No.-167 Year-2020 Thana-Govt. Official Comp District-Sitamarhi

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Rakesh Kumar, son of Badri Ram @ Badri Raut, resident of village- Bhutahi
Ward No.04, P.S.- Sonbarsa, District- Sitamarhi.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr. Uday Kumar, Advocate
For the Opposite Party : Mr. Amit Kumar Rakesh, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

2 07-10-2020 Filing through email of the present application has been

accepted in view of the out-break of COVID-19 Pandemic and has

been posted before me for hearing through video conferencing.

The application is apparently not in accordance with the
provisions prescribed under the Patna High Court Rules, which do
not contemplate filing of application through email. In spite of
that, considering the extra-ordinary situation, filing of the present
application has been allowed through email.

Considering the situation prevailing, the Court has
considered, for the present, to ignore the deficiency in filing of the
application.

Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner has filed the present application under



Sections 439 and 440 of the Code of Criminal Procedure for grant of bail in connection with Case No. C2 /167 of 2020 in which cognizance has been taken under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

Considering the nature of offence, the allegation of recovery of 198 liters Nepali liquor from the car but there being no witness to the seizure memo and the period of over seven months undergone by the petitioner in custody, he is directed to be released on bail on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-II-cum-Special Judge, Excise Act, Sitamarhi in connection with Case No.C2/167 of 2020.

Since the court proceedings are being conducted through virtual mode and normal court functioning has not been restored till date, it is considered appropriate to adopt the following procedure for communication of the present order:-

- (i) The order, which has been dictated during the course of proceeding of the virtual court, shall be communicated to me on my email by the Senior Secretary.
- (ii) The corrected copy of the order shall be transmitted by me from my email id to the Senior Secretary, which shall be treated to be an authentic copy of the order



passed by this Court in the present proceeding.

- (iii) Hard copy of the order duly signed by me shall be preserved in my residential office for documentation and future use, if any.
- (iv) Let a copy of the order be sent to Mr. Uday Kumar, learned counsel for the petitioner also on his email.
- (v) Let steps be taken by the Senior Secretary/registry for up-loading of the present order without compromising with the norms of social distancing.

(Ashwani Kumar Singh, J.)

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