

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22285 of 2020**

Arising Out of PS. Case No.-37 Year-2020 Thana- SURYAGARHA District- Lakhisarai

HARO KUMAR @ HARO MANJHI Son of Sitan Manjhi @ Sithan Manjhi
Resident of Village- Koriya, P.S.- Lakhisarai, District- Lakhisarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mayank Bilochan, Adv.

For the Opposite Party/s : Mr. Uma Shankar Prasad Singh, APP

**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER**

2 25-08-2020 The court proceeding has been conducted through
virtual mode.

Since the court proceeding is not functional in
physical mode, due to present Pandemic, Covid -19, the present
case has been listed with defects.

Learned counsel for the petitioner undertakes to
remove the defect(s) within a peirod of four week of resumption
of court proceeding in physical mode.

If the defect(s) is not removed within the
undertaken period, the office will place the matter again.

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

The prosecution case, as per the self statement of
Chandan Kumar, Inspector-cum- S.H.O., Suryagarha Police



Station, recorded on 26.02.2020 is to the effect that on the same day, at about 2.15 A.M., a confidential information was received that through a truck, pickup van and Scorpio vehicles, illicit liquor is being transported. Consequently, raid was laid and a truck, a pickup van and a Scorpio vehicle were intercepted and the petitioner and others were apprehended. From the truck in question, total 561.600 litres, from the pick up van, total 336.960 litres and from the Scorpio, total 43.220 litres of Indian Made Foreign Liquor were recovered. The petitioner is alleged to be the driver of the alleged pickup van.

Learned counsel for the petitioner submits that there is nothing on record to suggest that the petitioner was the driver of the alleged pickup van and only on the basis of suspicion, since the petitioner was found around the place of seizure, he has maliciously been roped in the present case. The investigation has already been concluded. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP submits that the petitioner was the driver of the pickup van from which recovery of illicit liquor has been made.

Considering the fact that the investigation has



already been concluded, period under custody and the statement made in paragraph no.3 of the petition to the effect that the petitioner is not having any criminal antecedent, 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 ADJ-II-cum-Special Judge, Excise Act, Lakhisarai, in connection with Suryagarha P.S. Case No. 37 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 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, including one surety given at the time of provisional bail, of the like amount each to the satisfaction of the learned ADJ-II-cum-Special Judge, Excise Act, Lakhisarai, in connection with Suryagarha P.S. Case No. 37 of 2020.

The learned Court below will be at liberty to extend



the period of provisional bail further if the court proceeding in physical mode will not resume in next three months.

Accordingly, the present application stands disposed of.

(Dinesh Kumar Singh, J)

Ashwini/-

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

