

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22602 of 2020

Arising Out of PS. Case No.-96 Year-2020 Thana- PUNPUN District- Patna

Manish Kumar @ Tetar S/o- Ram Prawesh Rai @ Tahal Resident of Village-
Sukhhatiya, P.S.- Masaurhi, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Satrudhan Kumar, Advocate

For the Opposite Party/s : Mrs. Rita Verma, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 25-08-2020 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.

The petitioner is languishing in custody since
27.03.2020 in a case registered for the offence punishable under
Section 30(a) of Bihar Prohibition and Excise Act, 2016, as



amended by Act 8 of 2018, hence, the prayer for bail has been made through the present application.

The prosecution case, as per the written report of Kundan Kumar Singh, S.I.-cum-S.H.O. of Punpun P.S. submitted to the Additional Sessions Judge-II -cum- Special Judge, Excise, Patna, is to the effect that on 26.03.2020 at 9.20 A.M. a secret information was received that Manish Kumar @ Tetar, the petitioner along with his associate Bimal Kumar is carrying liquor by a three wheeler, consequently, an auto rickshaw was intercepted and two persons were apprehended. They disclosed their name as Manish Kumar @ Tetar, the petitioner and co-accused Bimal Kumar and from the auto rickshaw, altogether 600 litres of country made liquor were recovered.

It is submitted by learned counsel for the petitioner that only on the basis of suspicion, the petitioner has been roped in the present case. The recovery has not been made from the conscious physical possession of the petitioner. It is further submitted that the petitioner has no concern with the auto rickshaw in question, though, statement to that effect has not been made in the petitioner. A statement has been made in paragraph 9 of the petition that the petitioner is a driver,



however, learned counsel for the petitioner submits that the said statement has inadvertently been made and in fact, the petitioner has no driving licence, hence, the question of driving the auto rickshaw does not arise. The investigation has already been concluded and a statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP for the State submits that the recovery has been made from the auto rickshaw and petitioner was arrested from the spot.

Considering the fact that the investigation has already been concluded, period under custody and statement made in paragraph no.3 of the petition 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 Special Judge, Excise, Patna in connection with Punpun P.S. Case No. 96 of 2020, Special Case No. 3006 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 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 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 Special Judge, Excise, Patna in connection with Punpun P.S. Case No. 96 of 2020, Special Case No. 3006 of 2020.

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

Accordingly, the application stands disposed of.

(Dinesh Kumar Singh, J)

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