

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.23337 of 2020**

Arising Out of PS. Case No.-35 Year-2020 Thana- BUNIYAD GANJ District- Gaya

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Chandan Kumar Son of Late Gopal Chaudhary, resident of Village-Pehani,  
Nimtar, Police Station-Buniyadganj, District-Gaya.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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**Appearance :**

For the Petitioner : Mr. Gajendra Kumar Singh, Advocate  
For the Opposite Party : Mr. Abhay Kumar-1, 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 Buniyadganj P.S. Case No.35 of 2020 registered under Section 30(a) of the Bihar Prohibition and Excise Amendment Act, 2018.

Considering the nature of the offence, the allegation of recovery of 30 litres *mahua* wine from the possession of the petitioner and the period of over 7 months undergone by him 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 learned Special Judge, Excise, Gaya in connection with Buniyadganj P.S. Case No.35 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. Gajendra Kumar Singh, 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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