

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22779 of 2020

Arising out of PS. Case No.-8 Year-2020 Thana- ADAPUR District- East Champaran

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Anil Manjhi, Son of Dinesh Manjhi Resident of Village - Dhabadhabwa, P.S.-
Adapur, District - East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sunil Kumar No.III, Advocate

For the Opposite Party/s : Mr. Anil Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 04-09-2020 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
27.01.2020 in a case registered for the offences punishable
under Sections 272 and 273 of the Indian Penal Code and



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 self-statement of S.I., Sunil Kumar, S.H.O., Adapur P.S. recorded on 10.01.2020 at 10 P.M. is to the effect that on the same day during patrolling, a confidential information was received that certain persons have brought Nepali liquor, consequently, a raid was laid and two persons were apprehended namely Kishori Manjhi and Bhulan Manjhi who disclosed the name of the escaped accused persons as Manoj Paswan, Anil Manjhi, the petitioner and Lakshman Mahto and total 330.900 litres of Nepali liquor were recovered from two motorcycles.

It is submitted by learned counsel for the petitioner that the petitioner was not apprehended from the spot and the seized motorcycle does not belong to the petitioner statement to that effect has been made in para 8 of the petition and 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 for the State submits that the recovery has been made from the possession of the petitioner.



Considering the fact that the petitioner was not apprehended from the spot and investigation has already been concluded, coupled with the 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), East Champaran, Motihari in connection with Adapur P.S. Case No. 08 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), East Champaran, Motihari in connection with Adapur P.S. Case No. 08 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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