

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21127 of 2020

Arising Out of PS. Case No.-428 Year-2019 Thana- CHAINPUR District- Kaimur (Bhabua)

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Dilip Seth Son of Late Vijay Seth Resident of Village - Karji, P.S.- Chainpur,
Distt.- Kaimur at Bhabua.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajani Kant Pandey, Adv.

For the Opposite Party/s : Mr. Mukeshwar Dayal, APP

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 29-06-2020 Heard learned counsel for the petitioner and learned
APP for the State.

The matter has been taken up through virtual Court
proceeding.

Since the physical Court is not functional due to the
present pandemic, Covid-19, the matter has been listed with
defects.

Learned counsel for the petitioner undertakes to



remove the defect/s within a period of three weeks on resumption of physical court proceeding.

In case of non-removal of the defect/s within the undertaken period, the office will place the matter before the bench.

The petitioner has preferred the present application for grant of bail in a case registered for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2016, as amended by the Amendment Act 8 of 2018.

The prosecution is that an information was received that the petitioner is indulged in the trade of illicit liquor, consequently, a raid was laid and from a dilapidated house of the petitioner, 16.400 litres of country made liquor were recovered.

It is submitted by learned counsel for the petitioner that the recovery of liquor has been made from a dilapidated joint family house, hence, it cannot be treated from the conscious physical possession of the petitioner. The petitioner is languishing in custody since 18.05.2020 and a statement has been made in paragraph no.3 of the petition that apart from the present case, the petitioner is also accused in three other case.

Learned APP for the State submits that the said



recovery has been made from the house of the petitioner.

Considering the nature of recovery from a dilapidated joint family house and the period under custody, 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), Kaimur at Bhabua, in connection with Excise Case No.930 of 2019, arising out of Chainpur P.S. Case No. 428 of 2019.

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 Special Judge (Excise), Kaimur at Bhabua, in connection with Excise Case No.930 of 2019, arising out of Chainpur P.S. Case No. 428 of 2019.



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 sands disposed of.

(Dinesh Kumar Singh, J)

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