

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22658 of 2020

Arising Out of PS. Case No.-17 Year-2020 Thana- KUCHAIKOTE District- Gopalganj

Jagdish S/o Late Rambharoshe Resident of Village- Khajuriya, P.S.- Bishauli,
Distt- Badau (U.P.)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Harendra Prasad, Advocate

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

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 02-09-2020 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
15.01.2020 in a case registered for the offences punishable



under Sections 30(a), 32(2) & 41(1) 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 Ranjeet Kumar Paswan, Station House Officer, Kuchaikot Police Station submitted to Additional District & Sessions Judge-II -cum- Special Judge, Excise, Gopalganj, is to the effect that on 13.01.2020 at 4.30 P.M. during vehicle check, one DMC truck was intercepted when two persons tried to escape from the scene but they were apprehended, who disclosed their name as co-accused Hardeep Singh, the driver and Jagdish, the cleaner, the petitioner and from the truck in question altogether, 3604.065 litres of Indian Made Foreign Liquor were recovered.

It is submitted by learned counsel for the petitioner that the petitioner cleaner and was not aware about the liquor being loaded on the truck in question 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 huge quantity of liquor has been recovered from the truck of which the petitioner was a cleaner.



Considering the fact that the investigation has already been concluded and statement being 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 six months on furnishing one surety to the satisfaction of the learned Additional Sessions Judge-II -cum- Special Judge, Excise, Gopalganj in connection with Kuchaikote P.S. Case No. 17 of 2020 **with the condition that the bailors must be local.**

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 six 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 Additional Sessions Judge-II -cum- Special Judge, Excise, Gopalganj in connection with Kuchaikote P.S. Case No. 17 of



2020.

The provisional bail of the petitioner will be confirmed by the learned Court below within six months if it is found that the petitioner is not involved in similar nature of offence and regularly appear before the learned Court below. On confirmation of the provisional bail, the learned Court below will be further at liberty to cancel the bail bonds of the petitioner, if he defaults for three consecutive occasions during trial.

Accordingly, the application stands disposed of.

(Dinesh Kumar Singh, J)

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