

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22763 of 2020

Arising Out of PS. Case No.-5 Year-2020 Thana- TISIAUTA District- Vaishali

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Bindekh Rai @ Bindesh Kumar @ Vindek Rai S/O Harendra Ray @
Harendra Rai R/O Village - Laxmi Narayan Pur, P.S. - Tisiautta, District -
Vaishali.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Manish Chandra Gandhi

For the Opposite Party/s : Mr.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



25.02.2020 in a case registered for the offences punishable under Sections 30(a)(b)(c) 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 S.I., Awadhesh Kumar, S.H.O., Tisiauta P.S. submitted to Additional Sessions Judge-II -cum- Special Judge, Excise, Vaishali at Hajipur, is to the effect that on 05.01.2020 on a confidential information that trade of liquor is being going on, a raid was laid and from the field of co-accused Mithilesh Chaudhary, 1247.76 litres of Indian Made Foreign Liquor were recovered. The local people informed the informant that liquor was stored by co-accused Rajesh Rai, Subham, Guddu Rai, Vinay Rai and the petitioner, Bindekh Rai.

It is submitted by learned counsel for the petitioner that the recovery has been made from the field of co-accused Mithilesh Chaudhary and there is no recovery from conscious physical possession of the petitioner. Though the petitioner is accused in one other case registered under Excise Act but he is on bail in that case and investigation has already been concluded.

Learned APP for the State submits that the name of



the petitioner sprang up as the person who stored huge quantity of liquor.

Considering the fact that the recovery has been made from the field of co-accused Mithilesh Chaudhary and the investigation has been concluded, 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 Additional Sessions Judge-II -cum- Special Judge, Excise, Vaishali at Hajipur in connection with Tisiauta P.S. Case No. 05 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



Additional Sessions Judge-II -cum- Special Judge, Excise,
Vaishali at Hajipur in connection with Tisiauta P.S. Case No. 05
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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