

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22280 of 2020

Arising Out of PS. Case No.-124 Year-2019 Thana- BACHHWARA District- Begusarai

RAJEEV KUMAR SINGH @ KANCHAN SINGH S/o Kedar Prasad Singh
Resident of Village-Dharampur Bandey, P.S.-Patori, District-Samastipur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manish Chandra Gandhi, Adv.

For the Opposite Party/s : Mr. J. N. Thakur, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 25-08-2020 The court proceeding has been conducted through
virtual mode.

Since the court proceeding is not functional in
physical mode, due to present Pandemic, Covid -19, the present
case has been listed with defects.

Learned counsel for the petitioner undertakes to
remove the defect(s) within a period of four weeks of
resumption of court proceeding in physical mode.

If the defect(s) is not removed within the
undertaken period, the office will place the matter again.

Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner is languishing in custody since
07.02.2020 in a case registered for the offences punishable



under Sections 30(a) and 32 of the Bihar Prohibition and Excise Act, 2016, as amended by Amendment Act 8 of 2018.

The prosecution case, as per the self statement of S.I. Parsuram Singh, S.H.O., Bachhwara Police Station recorded on 02.07.2019 is to the effect that on the same day at 3.50 A.M., a confidential information was received that Pradeep Singh, Rohit Chaudhary, Subham Chaudhary and others have brought huge quantity of liquor by a truck. Consequently, raid was laid and one truck and one Mahindra pickup van were intercepted and from the truck in question, 729 litres and from the pick van, 900 litres of Indian Made Foreign Liquor were recovered. The petitioner is alleged to be the owner of the pickup van in question.

Learned counsel for the petitioner submits that admittedly, the petitioner was not present at the place of seizure. The pickup van in question is a public carrier and it might have been misused by the driver. The investigation has already been concluded. A statement has been made in paragraph no.3 of the petition that the petitioner is accused in one other case in which he is on bail. It is further submitted that co-accused, Paltu Sah has been granted bail by a Co-ordinate bench of this Court vide order dated 24.09.2019, passed in Criminal Miscellaneous No.



52601 of 2019 whereas co-accused, Rohit Chaudhary, Pradeep Singh and Subham Kumar have been granted bail vide orders dated 01.10.2019, 22.10.2019 and 04.12.2019 passed in Criminal Miscellaneous No. 59795 of 2019, Criminal Miscellaneous No. 64257 of 2019 and Criminal Miscellaneous No. 74342 of 2019 respectively. Moreover, in the present situation created due to pandemic, Covid-19, since the court proceeding is not properly functional in physical mode, there is no likelihood of the trial being concluded in near future.

Learned APP submits that the petitioner is the owner of the pickup van from which recovery of illicit liquor has been made.

Considering the fact that the material available on record does not suggest that the petitioner was present at the place of seizure, the recovery has been made from a public carrier and the investigation already being 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 ADJ-II-Special Judge, Excise Act, Begusarai, in connection with Bachhwara P.S. Case No. 124 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 ADJ-II-Special Judge, Excise Act, Begusarai, in connection with Bachhwara P.S. Case No. 124 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 stands disposed of.

(Dinesh Kumar Singh, J)

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