

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22735 of 2020

Arising out of PS. Case No.-29 Year-2020 Thana- GOVERNMENT OFFICIAL COMP.
District- Muzaffarpur

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Anil Kumar Rai @ Anil Rai S/o- Sipahi Lal Rai R/o- Village- Maheshwara,
P.S. - Aurai, District – Muzaffarpur. Petitioner/s

Versus

The State of Bihar Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Alok Kumar Alok, Advocate

For the Opposite Party/s : Ms. Indu Srivastava, APP

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 03-09-2020 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
23.02.2020 in a case registered for the offences punishable
under 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 prosecution report of S.I., Kumar Ravi Shankar, Excise Department, submitted to the Special Judge, Excise, Muzaffarpur, is to the effect that on 22.02.2020 at 4.30 P.M., a confidential information was received with regard to storage of illegal liquor, consequently, raid was laid and from the mustard crop field behind the house of the petitioner, 95.190 litres of Indian Made Foreign liquor were recovered.

It is submitted by learned counsel for the petitioner that recovery has been made from an open area which does not belong to the petitioner and, hence, it cannot be treated from the possession of the petitioner. A statement has been made in paragraph no. 3 of the petition that the petitioner is not having any criminal antecedent and investigation has already been concluded.

Learned APP for the State submits that the recovery has been made from behind the house of the petitioner.

Considering the fact that the investigation has already been concluded and 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 the satisfaction of the learned Special Judge (E. Muzaffarpur) in connection with Excise Case



No. 29 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), Muzaffarpur in connection with Excise Case No. 29 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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