

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22766 of 2020

Arising Out of PS. Case No.-429 Year-2018 Thana- MAHUA District- Vaishali

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Pramod Singh S/O Late Upendra Singh R/O Village- Dayalpur, P.S. Mahua,
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. A.G

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 08-09-2020 The matter has been taken up through virtual

Court proceeding.

Since the court proceeding is non-functional in

physical mode due to the present pandemic COVID-19,

the matter is listed with defects.

Learned counsel for the petitioner undertakes to

remove the defects within three weeks of the resumption

of the physical Court proceedings.

In case of non-removal of the defects within

undertaken period, the office shall place the matter

before the bench.

Heard learned counsel for the petitioner and

learned counsel for the State.



The petitioner is languishing in custody since 26.06.2019 in a case registered for the offences punishable under Sections 414/34 of the Indian Penal Code, 1860 and Section 30, 30(a), 38 of the Bihar Prohibition & Excise Act, 2016, as amended by Amendment Act 8 of 2018 (hereinafter referred to as the Act).

The prosecution case as per the written report of Suman Kumar Mishra, S.I., Mahua Police Station is to the effect that on confidential information, the informant raided the house of Pramod Singh (Petitioner) and co-accused Santosh Singh when from the house of co-accused Santosh Singh, 1002 litres of Indian Made Foreign Liquor was recovered whereas from the house of the petitioner, 720 litres of Indian Made Foreign Liquor was recovered.

It is submitted by learned counsel for the petitioner that the petitioner has falsely been roped in the present case as there is no recovery from the



conscious physical possession of the petitioner and the house from which the recovery has been made is open one and none resides in the house in question and wife of the petitioner was also apprehended and she has been granted bail vide order dated 20.02.2019 passed in Cr. Misc. No. 10102 of 2019 by a Co-ordinate bench of this Court. Though the petitioner is accused in one other case of similar nature, but he is on bail in that case and the investigation has already been concluded and no case under Section 38 of the Act is made out against the petitioner as the same has been deleted vide Amendment Act 8 of 2018.

Learned A.P.P. submits that huge quantity of country made liquor has been recovered from the house of the petitioner.

Considering the fact that investigation has already been concluded and wife of the petitioner has already been granted bail by a Co-ordinate bench of this Court, 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 learned Additional Sessions Judge-II-cum-Excise Court, Vaishali at Hajipur in connection with Mahua P.S. Case No. 429 of 2016.

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. 10,000/-(ten thousands) with two sureties of the like amount each to the satisfaction of Additional Sessions Judge-II-cum-Excise Court, Vaishali at Hajipur in connection with Mahua P.S. Case No. 429 of 2016 including one surety



given at the time of provisional bail.

The learned Court below will be 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 present application stands disposed of.

Shageer/-

(Dinesh Kumar Singh, J)

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