

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22776 of 2020

Arising out of PS. Case No.-92 Year-2020 Thana- RUNISAIDPUR District- Sitamarhi

Uday Mahto S/o Late Vijan Mahto @ Late Bijan Mahto R/o Village- Runni
ward No. 6, P.S.- Runisaidpur, District- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. APP

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
24.02.2020 in a case registered for the offences punishable



under Section 30(a)/30(g) of Bihar Prohibition and Excise Act, 2016, as amended by Act 8 of 2018 (hereinafter referred to as the Act), hence, the prayer for bail has been made through the present application.

The prosecution case, as per the written report of Manjar Ahmad Khan, S.H.O., Runnisaidpur P.S. submitted to the 2nd Additional Sessions Judge-cum-Special Judge, Excise, Sitamarhi, is to the effect that on 24.02.2020 at 1.15 A.M. during night patrolling, a confidential information was received that Uday Mahto, the petitioner has stored the liquor, consequently, a raid was laid and from the orchard of the petitioner, underneath the straw, 100.50 litres of Indian Made Foreign liquor were recovered.

It is submitted by learned counsel for the petitioner that the recovery has been made from the open orchard and investigation has already been concluded. It is further submitted that no offence is made out under Section 30(g) of the Act. 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 the recovery has been made from the orchard of the petitioner.

Considering the fact that the recovery has been made



from an open area and investigation has already been concluded, coupled with 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 one surety to the satisfaction of the learned Additional Sessions Judge-II -cum- Special Judge (Excise), Sitamarhi in connection with Runnisaidpur P.S. Case No. 92 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), Sitamarhi in connection with Runnisaidpur P.S. Case No. 92 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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