

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.24134 of 2020**

Arising Out of PS. Case No.-48 Year-2020 Thana- PAKARIBARAW District- Nawada

Ganesh Chauhan Son of Kishun Chauhan Resident of Village- Gangti, P.S.-  
Pakribarawan, District- Nawada.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Devendra Prasad Singh, Advocate

For the Opposite Party/s : Mrs. Sangeeta Sharma, APP

**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN**  
**ORAL ORDER**

2      08-10-2020      The Court proceeding has been conducted through  
virtual mode.

Heard learned counsel for the petitioner and learned  
Additional Public Prosecutor 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 apprehending arrest in a case  
registered for the offences punishable under Section 30(a) of the



Bihar Prohibition and Excise Act, 2016 as amended by Act 8 of 2018.

It is alleged that 10 litres of Mahua liquor were recovered from the bush near the house of the petitioner.

It is submitted by learned counsel for the petitioner that the recovery has not been made from conscious physical possession of the petitioner rather the same has been made from the bush which is an open area. A statement has been made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent.

The petitioner is agreed to deposit a sum of Rs.2,000/- (Rupees Two Thousand) in Chief Minister Relief Fund, Bihar bearing Account No. 2065104000002257, IFSC IBKL0002065, IDBI Bank, Kidwaipuri Branch, Patna.

Learned APP submits that the recovery has been made from the bush near the house of the petitioner.

Having regard to the facts and circumstances of the case, let the above named petitioner, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned



Additional Sessions Judge-II -cum- Special Judge, Nawada in connection with Pakribarawan P.S. Case No. 48 of 2020, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

The bail bond of the petitioner shall be accepted by the learned Court below on showing receipt of deposit of Rs.2,000/- (Rupees Two Thousand) in Chief Minister Relief Fund.

**(Anjani Kumar Sharan, J)**

DKS/-

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