

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22595 of 2020

Arising Out of PS. Case No.-295 Year-2019 Thana- GOVERNMENT OFFICIAL COMP.
District- Gopalganj

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LADDU KUMAR @ LADDU KUMAR MAHATO @ LADDU KUMAR
MAHTO S/o Biresh Mahato @ Viresh Mahato Resident of Village- Naya
Tola, Banzari, P.S.- Gopalganj, Distt- Gopalganj.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Ms. Sanjana, Adv.

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

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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 the
State.

The petitioner is languishing in custody since
04.05.2020, in a case registered for the offence punishable under



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

The prosecution case, as per the prosecution report of the Inspector, Prohibition and Excise, Balchati, Gopalganj submitted to the Additional District and Sessions Judge-cum-Special Judge, Gopalganj is to the effect that on 01.09.2019, during vehicle check on N.H.-28, a truck was intercepted, but the driver of the truck and other persons managed to escape away from the spot. The informant from other sources, came to know that it was the petitioner and three other accused persons, who were involved in the trade of illicit liquor. Subsequently, a Toyota Corola car was intercepted from which, total 475.200 litres of Indian Made Foreign Liquor were recovered.

Learned counsel for the petitioner submits that only on the basis of suspicion, the petitioner has maliciously been roped in the present case. A statement has been made in paragraph no.6 of the petition that the petitioner is not connected with the alleged vehicles. The investigation has already been concluded. A further statement has been made in paragraph no.3 of the petition that the petitioner is accused in three other cases, in which he is on bail.

Learned APP submits that the recovery has been



made from the vehicle when the petitioner managed to escape from the scene.

Considering the fact that the petitioner was not apprehended from the spot, the investigation has already been concluded and the period under custody, 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-cum-Special Judge, Excise Act, Gopalganj, in connection with Excise Case No. 295 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-cum-Special Judge, Excise Act, Gopalganj, in



connection with Excise Case No. 295 of 2019.

The learned Court below will further 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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