

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22676 of 2020

Arising Out of PS. Case No.-18 Year-2020 Thana- GADHPURA District- Begusarai

Rajesh Yadav @ Rajesh Kumar Rakesh S/O- Chhote Yadav @ Ram Sewak
Yadav R/V- Belsandi, P.S.- Bithan, District - Samastipur.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Kumar
For the Opposite Party/s : Mr.APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 02-09-2020 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
22.05.2020 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 written report of S.I., Rajdeo Paswan submitted to the Station House Officer, Gadhpura Police Station, is to the effect that on 25.02.2020 during patrolling, a pickup van was intercepted, though, two persons escaped from the pickup van but the driver was apprehended and from the pickup van, 1188 litres, from the Bolero vehicle, 36 litres and from the maize field of Maheshwar Yadav, 1242 litres of Indian Made Foreign Liquor were recovered. The driver of the pickup van was Pankaj Kumar Yadav.

It is submitted by learned counsel for the petitioner that the recovery has not been made from conscious physical possession of the petitioner. Though, the petitioner is accused in one other case registered under Sections 406, 420 and 506 of the Indian Penal Code in which he is on bail and investigation has already been concluded.

Learned APP for the State submits that huge quantity of liquors were recovered.

Considering the fact that neither the recovery has



been made from conscious physical possession of the petitioner nor the petitioner has been found on the place of seizure and investigation has already been concluded, 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 2nd -cum- Special Judge (Excise), Begusarai in connection with Gadhpura P.S. Case No. 18 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 2nd -cum- Special Judge (Excise), Begusarai in connection with Gadhpura P.S. Case No. 18 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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