

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22668 of 2020

Arising out of PS. Case No.-153 Year-2020 Thana- AURANGABAD TOWN District-
Aurangabad

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Manoj Kumar, Son of Late Mana Singh Resident of Village-Shrinagar,
Thakurwadi, P.S.-Town, District-Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar, Advocate
For the Opposite Party/s : Mr. APP

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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



16.05.2020 in a case registered for the offence 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., Manoj Kumar Tiwari, submitted to the Station House Officer, Aurangabad Town P.S., is to the effect that on 29.04.2020 at 10 A.M., a confidential information was received that the petitioner, Manoj Kumar and his brother, Vinod Kumar are indulged in sale of liquor, consequently, a raid was laid in the house of the petitioner and from the bedroom of Manoj Kumar, the petitioner 58.6 litres Indian Made Foreign liquor and from the bedroom of his brother, Vinod Kumar 50 litres of Mahua liquor were recovered.

It is submitted by learned counsel for the petitioner that the recovery has been made from the joint family house of the petitioner and investigation has already been concluded. The petitioner is accused in one other case which is registered under Section 420 of the Indian Penal Code and Section 11 of Gambling Act.

Learned APP for the State submits that the recovery has been made from the house of the petitioner.



Considering the fact that the recovery has been made from the joint family house of the petitioner 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-VII -cum- Special Judge (Excise), Aurangabad in connection with Aurangabad Town P.S. Case No. 153 of 2020 (G.R. No. 334 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-VII -cum- Special Judge (Excise), Aurangabad in connection with Aurangabad Town P.S. Case No. 153 of 2020 (G.R. No. 334 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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