

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.22583 of 2020

Arising Out of PS. Case No.-290 Year-2018 Thana- BAIKUNTHPUR District- Gopalganj

Achhelal Rai @ Rajan Ray @ Rajan Son of Late Shivbachan Rai Resident of
Village- Bahrampur, P.S.- Baikunthpur, District- Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dhramveer

For the Opposite Party/s : Mr. A.G.

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 15-09-2020 The matter has been taken up through virtual

Court proceeding.

Since the court proceeding is non-functional in

physical mode due to the present pandemic COVID-19,

the matter is listed with defects.

Learned counsel for the petitioner undertakes to

remove the defects within three weeks of the resumption

of the physical Court proceedings.

In case of non-removal of the defects within

undertaken period, the office shall place the matter before

the bench.

Heard learned counsel for the petitioner and

learned counsel for the State.

The petitioner is languishing in custody since

21.12.2019 in a case registered for the offences



punishable under Sections 272, 273 of the Indian Penal Code, 1860 and Sections 30(a) of the Bihar Prohibition & Excise Act, 2016, as amended by Amendment Act 8 of 2018.

The prosecution case as per the written report of Bageshwari Tiwari, S.I., B.M.P, submitted to the S.H.O, Baikunthpur Police Station is to the effect that on secret informant, a Maruti Baleno car was intercepted. On seeing the police party, some of the persons managed to flee away but one person was apprehended who disclosed his name as co-accused Ankush. The apprehended accused person suggested the name of persons who fled away from the scene as Achhelal Rai @ Rajan (petitioner), Chhotelal Rai and Mithlesh Rai. From the said car, altogether 366.72 litres of Indian Made Foreign Liquor was recovered.

It is submitted by learned counsel for the petitioner that petitioner has no concern with the vehicle in question. From the F.I.R, it appears that the vehicle in



question is registered in the name of Doctor.

Earlier, the prayer for bail of the petitioner was rejected vide order dated 29.01.2020 passed in Cr. Misc. No. 4935 of 2020 with a liberty to renew his prayer for bail after framing of the charge.

It is submitted by learned counsel for the petitioner that charges have been framed on 11.09.2020, though in the petition, a statement has been made that charges have not been framed. It is further submitted that other co-accused person namely Chhote Lal Rai has been granted bail vide order dated 24.06.2019 passed in Cr. Misc. No. 38262 of 2019 by a Co-ordinate bench of this Court.

Learned A.P.P. submits that petitioner was arrested from the place of seizure.

Considering the liberty given in the petition and the statement in the petition to the effect that charges have been framed and the fact that investigation has 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 learned Judicial Magistrate, 1st Class, Gopalganj in connection with Baikunthpur P.S. Case No. 290 of 2018.

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. 10,000/-(ten thousands) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Gopalganj in connection with Baikunthpur P.S. Case No. 290 of 2018 including one surety given at the time of provisional bail.



The learned Court below will be 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 present application stands disposed of.

(Dinesh Kumar Singh, J)

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