

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.21944 of 2020**

Arising Out of P.S. Case No.-138 Year-2019 Thana-Raghopur District-Vaishali

- =====
1. Pappu Sah, S/o Lagan Sah.
  2. Chunnu Sah @ Chunni Sah, S/o Late Lagan Sah.
- Both R/o village-Jahangirpur, P.S. Raghopur (Rustampur O.P.), District-Vaishali.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

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**Appearance :**

|                     |   |                                 |
|---------------------|---|---------------------------------|
| For the Petitioners | : | Mr. Anup Kumar Pandey, Advocate |
| For the State       | : | Ms. Sharda Kumari, APP          |

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**CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH**

ORAL ORDER

2      18-08-2020                      Filing through email of the present application has been accepted in view of the out-break of COVID-19 Pandemic and has been posted before me for hearing through video conferencing.

The application is apparently not in accordance with the provisions prescribed under the Patna High Court Rules, which do not contemplate filing of application through email. In spite of that, considering the extra-ordinary situation, filing of the present application has been allowed through email.

Considering the situation prevailing, the Court has considered, for the present, to ignore the deficiency in filing of



the application.

Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

The petitioners have filed the present application under Sections 439 and 440 of the Code of Criminal Procedure for grant of bail in connection with Raghapur (Rustampur O.P.) P.S. Case No.138 of 2019 registered under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

Considering the allegation that the petitioners were indulged in smuggling of illicit liquor and recovery of more than 700 liters of illicit liquor from their house, I am not inclined to grant bail for the present. The application for grant of bail of the petitioners is rejected.

In case, the trial is not concluded within seven months from the date of receipt of a copy of the order, the petitioners would be at liberty to renew their prayer for bail before the court below itself.

Since the court proceedings are being conducted through virtual mode and normal court functioning has not been restored till date, it is considered appropriate to adopt the following procedure for communication of the present order:-

- (i) The order, which has been dictated during the course



of proceeding of the virtual court, shall be communicated to me on my email by the Senior Secretary.

- (ii) The corrected copy of the order shall be transmitted by me from my email id to the Senior Secretary, which shall be treated to be an authentic copy of the order passed by this Court in the present proceeding.
- (iii) Hard copy of the order duly signed by me shall be preserved in my residential office for documentation and future use, if any.
- (iv) Let a copy of the order be sent to Mr. Anup Kumar Pandey, learned counsel for the petitioners also on his email.
- (v) Let steps be taken by the Senior Secretary/registry for up-loading of the present order without compromising with the norms of social distancing.

**(Ashwani Kumar Singh, J.)**

Sanjeet/-

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