

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22722 of 2020**

Arising Out of PS. Case No.-123 Year-2020 Thana- SAHEBGANJ District- Muzaffarpur

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Vinay Rai @ Ram Vinay Rai Son of Shankar Rai Resident of Village - Naya Tola, P.S.- Sahebganj, Dist.- Muzaffarpur

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sanjay Parasmani

For the Opposite Party/s : Mr. Atul Chandra, APP

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER**

2 03-09-2020 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
27.05.2020 in a case registered for the offences punishable



under Sections 272, 273 of the Indian Penal Code and Sections 30(a), 33, 36 and 41(1) 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., Sunil Kumar Srivastava submitted to the Station House Officer, Sahebganj Police Station, is to the effect that on 09.03.2020, the informant was along with Excise officials, when he received a confidential information that in village Naya Tola, on a government land, Harendra Rai has stored liquor, consequently, a raid was laid when on seeing the police party, 7-8 persons escaped from the scene and from the hutment of co-accused Harendra Rai, 15.750 litres of Indian Made Foreign Liquor and 100 litres of spirit along with other equipment used for manufacturing liquor were recovered. The local people suggested the name of seven persons including the name of the petitioner who had escaped from the place of recovery.

It is submitted by learned counsel for the petitioner that admittedly recovery has not been made from conscious physical possession of the petitioner rather it has been recovered from the hutment of co-accused Harendra Rai. The investigation has already been concluded and petitioner was not



apprehended from the place of seizure. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP for the State submits that the petitioner was found at the place of seizure but managed to escape from the scene.

Considering the fact that the recovery has been made from the hutment of co-accused Harendra Rai, investigation has already been concluded and statement being made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent, 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 Special Judge, Excise, Muzaffarpur in connection with Sahebganj P.S. Case No. 123 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 Special Judge, Excise, Muzaffarpur in connection with Sahebganj P.S. Case No. 123 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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