

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22671 of 2020

Arising out of PS. Case No.-42 Year-2020 Thana- SANGRAMPUR District- East Champaran

Nandlal Ram, S/o Jagdish Ram Resident of Village-Ghusiyar, P.S.-
Sangrampur, District-East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : None.

For the Opposite Party/s : Mr. Rana Randhir Singh, 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 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.

It is expected from learned counsel for the petitioner
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
29.02.2020 in a case registered for the offences punishable
under Section 414 of the Indian Penal Code and 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. Mehi Lal Yadav, submitted to the Station House Officer, Sangrampur P.S., is to the effect that on 28.02.2020 during patrolling, one person was intercepted carrying a bag on the bicycle and two persons were intercepted carrying bag on a motorcycle and on chase, three persons were apprehended, who disclosed their name as Nand Lal Ram, the petitioner and two persons travelling on motorcycle disclosed their name as co-accused Rohit Kumar and Surat Kumar. From the bicycle of the petitioner, 30 litres of country-made liquor and from possession of the co-accused Rohit Kumar and Surat Kumar 50 litres of country-made liquor were recovered.

From the pleading, it appears that the petitioner has falsely been framed by the police in the present case and investigation has already been concluded. 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 recovery has been made from the bicycle of the petitioner.



Considering the fact that the investigation has already been concluded and the statement 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), East Champaran at Motihari in connection with Sangrampur P.S. Case No. 42 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), East Champaran at Motihari in connection with Sangrampur P.S. Case No. 42 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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