

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.22705 of 2020**

Arising Out of PS. Case No.-409 Year-2019 Thana- CHAKIA District- East Champaran

RAM VINAY SAHANI Son of Late Akindra Sahani Resident of Village -  
Bara Baisaha (Baisaha), P.S. - Chakia, District - East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Ajay Kumar Singh

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

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

2      04-09-2020      The court proceeding has been conducted through  
virtual mode.

Since the court proceeding is not functional in  
physical mode, due to present Pandemic, Covid -19, the present  
case has been listed with defects.

Learned counsel for the petitioner undertakes to  
remove the defect(s) within a period of four weeks of  
resumption of court proceeding in physical mode.

If the defect(s) is not removed within the undertaken  
period, the office will place the matter again.

Heard learned counsel for the petitioner and the State.

The petitioner is languishing in custody since  
04.03.2020, in a case registered for the offences punishable  
under Sections 30(a), 30(d) and 41 of the Bihar Prohibition and



Excise Act, 2016, as amended by Amendment Act 8 of 2018.

The prosecution case, as per the written report of S.I., Bhupendra Prasad Yadav, submitted to the S.H.O., Chakiya Police Station is to the effect that on 24.11.2019, a confidential information was received that illicit liquor is being manufactured and consequently raid was laid and near the embankment of the river, from manufacturing unit of the petitioner and others, 23 drums of fermented mahua liquor, gas cylinder and other articles were recovered, whereas near the poultry farm of co-accused, Chandan Singh and Chunnu Singh, 50 litres of country made liquor were recovered.

Learned counsel for the petitioner submits that only on the basis of suspicion, the petitioner has maliciously been roped in the present case. The manufacturing unit does not belong to the petitioner, rather seizure has been made from the embankment of the river. A statement has been made in paragraph no.3 of the petition that the petitioner is accused in one other case. Moreover, the investigation has already been concluded and in the present situation, created due to pandemic, Covid-19, since the court proceeding is not functional in physical mode, there is no likelihood of trial being concluded in near future.



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

Considering the fact that recovery has been made from an open area, the investigation has already been concluded, period under custody and the trial is not likely to be concluded due to the pandemic, Covid-19, 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 Chakiya P.S. Case No. 409 of 2019.

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 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 learned Special Judge, Excise, East Champaran at Motihari, in connection with Chakiya P.S. Case No. 409 of 2019.

The learned Court below will be at liberty to extend the period of provisional bail further if the court proceeding in physical mode will not resume in next three months.

Accordingly, the present application is disposed of.

**(Dinesh Kumar Singh, J)**

Amrendra/-

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