

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22730 of 2020

Arising out of PS. Case No.-428 Year-2019 Thana- SAHEBGANJ District- Muzaffarpur

Mukhilal Rai Son of Mahendra Rai Resident of Village - Madhuban Suraj,
P.S. - Sahebganj, District - Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manoj Kumar, Advocate

For the Opposite Party/s : Mr. APP

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
26.04.2020 in a case registered for the offences punishable



under Sections 272 and 273 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., Sohit Yadav submitted to the Station House Officer, Sahebganj P.S., is to the effect that on 11.10.2019, during night patrolling, a confidential information was received that Mukhilal Rai, the petitioner, in the village of Madhuban, is indulged in the trade of liquor, consequently, a raid was laid and from the hutment used for fodder storing, 886.350 litres of Indian Made Foreign liquor were recovered.

It is submitted by learned counsel for the petitioner that the recovery has been made from the hutment which does not have any door, hence, the same could be treated as an open area. A statement has been made in paragraph no. 3 of the petition that the petitioner is not having any criminal antecedent and investigation has already been concluded.

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

Considering the fact that the recovery has been made from the hutment which is used for storing the fodder and the



investigation has already been concluded, coupled with 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), Muzaffarpur in connection with Sahebganj P.S. Case No. 428 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 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. 428 of 2019.

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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