

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22258 of 2020

Arising Out of PS. Case No.-39 Year-2020 Thana- PASRAHA District- Khagaria

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Nandan Kumar S/o Jhakho Sah Resident of Village- Sondiha, P.S.- Pasraha,
Distt- Khagaria

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr. Bhim Kumar Yadav, Adv.

For the Opposite Party/s : None.

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

4 01-12-2020 Heard learned counsel for the petitioner via video conferencing.

No one joins on behalf of the State to oppose the application for grant of bail to the petitioner.

The petitioner seeks bail in connection with Pasraha P.S Case No. 39 of 2020 registered for the offences punishable under Section 30(a) of the Bihar Prohibition Excise (Amendment) Act, 2018.

The petitioner was apprehended on 28.04.2020 on the charge of carrying about 328.680 liters whisky in a pick-up van bearing registration no. BR-11 GC-6567.

It is submitted by the learned counsel for the petitioner that the petitioner was not aware of the goods loaded



in the pick-up van. He is driver of the vehicle and as per the instructions of owner of the vehicle, he was carrying the goods to a particular destination. He contended that for the alleged recovery, the petitioner has remained in custody for over seven months. He has no criminal antecedent and having roots in the society, he is not likely to abscond or tamper with the evidence.

Regard being had to the nature of the offence, the submissions made above, the period undergone by the petitioner in custody and the statement made in paragraph-3 of the bail application that he has no criminal antecedent, he is directed to be released on bail on furnishing bail bond of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge (Excise), Khagaria in connection with Pasraha P.S Case No. 39 of 2020.

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 e-mail by the Sr.



Secretary.

- (ii) The corrected copy of the order shall be transmitted by me from my e-mail id to the Sr. 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 steps be taken by the Sr. Secretary/registry for uploading of the present order without compromising with the norms of social distancing.

(Ashwani Kumar Singh, J)

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