

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22729 of 2020

Arising Out of PS. Case No.-35 Year-2020 Thana- RAJPUR District- Rohtas

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JAY PRAKASH KUMAR @ JAY PRAKASH @ GAMA Son of
Chandeshvar Paswan Resident of Village-Sitabigha Police Station-Sasaram
(Mufassil), District-Rohtas at Sasaram.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Krishna Murari

For the Opposite Party/s : Mr. Binod Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 10-09-2020 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
08.03.2020, in a case registered for the offences punishable



under Sections 414/34 of the IPC and Section 30(a) of the Bihar Prohibition and Excise Act, 2016, as amended by Amendment Act 8 of 2018.

The prosecution case, as per the self statement of S.I. Sanjay Kumar Yadav recorded on 07.03.2020 at about 6.30 A.M. is to the effect that on the same day, during vehicle check, it was found that from a truck, illicit liquor is being loaded on a pick up van, in an auto rickshaw and on a motorcycle, leading to arrest of several accused persons including the petitioner, who was standing near an Apache motorcycle, from which, total 34.56 litres of illicit liquor has been recovered.

Learned counsel for the petitioner submits that no recovery has been made from the conscious physical possession of the petitioner. 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. 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 recovery has been made from the place where the petitioner was found standing.



Considering the fact that no recovery has been made from the conscious physical possession of the petitioner, the investigation has already been concluded and the trial is not likely to be concluded due to the pandemic, Covid-19 coupled with statement made in paragraph no.3 of the petition to the effect 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 A.D.J.-II-cum-Special Judge Excise, Rohtas at Sasaram, in connection with Rajpur P.S. Case No. 35 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 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 A.D.J.-II-cum-Special Judge Excise, Rohtas at Sasaram, in connection with Rajpur P.S. Case No. 35 of 2020.

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)

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