

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22591 of 2020

Arising Out of PS. Case No.-155 Year-2020 Thana- GOVERNMENT OFFICIAL COMP.
District- East Champaran

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SONALAL KUMAR Son of Shambhu Sahani Resident of Village -
Dharmuhana, P.S. - Muffasil, District - East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ansul, Adv.

For the Opposite Party/s : Ms. Pushpa Sinha, APP

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 25-08-2020 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 05.03.2020, in a case registered for the offences punishable under 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 prosecution report is to the effect that on a confidential information, the official of Excise Department raided the hutment of the petitioner, from which, 20 litres of Indian Made Foreign Liquor and 140 litres of fermented liquor and other articles for preparing country made liquor were recovered.

Learned counsel for the petitioner submits that the hutment in question, which has no door, is almost an open area, hence the recovery cannot be treated from the conscious physical possession of the petitioner. The investigation has already been concluded and a statement has been made in paragraph no.3 of petition that the petitioner is not having any criminal antecedent.

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

Considering the nature of recovery, period under custody, investigation already being concluded and the 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 ADJ-IX-cum-Special Judge, Excise Act, East Champaran, Motihari, in connection with Excise Case No. 155 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 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 ADJ-IX-cum-Special Judge, Excise Act, East Champaran, Motihari, in connection with Excise Case No. 155 of 2020.

The learned Court below will further 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 stands disposed
of.

(Dinesh Kumar Singh, J)

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