

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22597 of 2020

Arising Out of PS. Case No.-231 Year-2018 Thana- SASARAM MUFFSIL District- Rohtas

Vikrant Choudhary @ Shrikant Choudhary S/o Brij Mohan Choudhary
Resident of Village- Wazirganj, P.S.- Sasaram (Muffasil), Distt- Rohtas.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kumar Sunil

For the Opposite Party/s : Mr.APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 25-08-2020 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 apprehending arrest in a case
registered for the offence punishable under Section 30(a) of the
Bihar Prohibition and Excise Act, 2016 as amended by Act 8 of



2018.

The prosecution case, as per the written report of S.I., Rishikesh Singh submitted to Station House Officer, Sasaram Muffasil P.S., is to the effect that on 23.11.2018 at 2.00 P.M., a confidential information was received that in closed crusher mill premises of co-accused Arun Singh, Mikki Choudhary, Shivam Choudhary, Vikrant Choudhary, the petitioner and co-accused Tamatar Lal @ Matar Choudhary are carrying on the trade of liquor, consequently, a raid was laid and altogether 1468 litres of Indian Made Foreign Liquor were recovered.

It is submitted by learned counsel for the petitioner that admittedly, the recovery has been made from the premises of crusher mill of co-accused Arun Singh, hence, it cannot be treated from the possession of the petitioner and statement has been made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent. Moreover, considering the same, similarly situated co-accused Shivam Chaudhary and Govind Chaudhary have been granted anticipatory bail by Co-ordinate benches of this Court vide Cr. Misc. Nos. 6199 of 2019 and 6115 of 2019 vide order dated 05.02.2019 and 17.04.2019 respectively, as contained in Annexure-2 series.

Learned APP submits that the petitioner along with



others was carrying on the trade of liquor from the premises of co-accused Arun Singh.

Considering the fact that the recovery has been made from the premises of co-accused Arun Singh and similarly situated co-accused persons have been granted anticipatory bail by Co-ordinate benches of this Court, coupled with the statement made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent, let the petitioner above named be released on provisional anticipatory bail for three months, in the event of arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing one surety to the satisfaction of the learned 2nd Additional Sessions Judge -cum- Special Judge, Rohtas, Sasaram in connection with Sasaram (Muffasil) P.S. Case No. 231 of 2018.

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 anticipatory bail of the petitioner



will be confirmed by the learned Court below within three months on furnishing bail bond of Rs.10,000/- (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 2nd Additional Sessions Judge -cum- Special Judge, Rohtas, Sasaram in connection with Sasaram (Muffasil) P.S. Case No. 231 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

The learned Court below will be at liberty to further extend the period of provisional anticipatory 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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