

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22666 of 2020

Arising out of PS. Case No.-80 Year-2020 Thana- AKBARPUR District- Nawada

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Raghun Chaudhary @ Raghunandan Chaudhary, Son of Saudagar Chaudhary,
R/o Sanokhara, P.S.- Akbarpur, Distt.- Nawada. Petitioner/s
Versus

The State of Bihar Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Amresh Kumar Sinha, Advocate

For the Opposite Party/s : Mr. APP

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 02-09-2020 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
23.05.2020 in a case registered for the offences punishable
under Section 30(a)/30(d) 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 Munna Kumar Verma, S.I.-cum-S.H.O., Akbarpur P.S. submitted to the 2nd Additional Sessions Judge-cum-Special Judge, Nawada, is to the effect that on 24.02.2020 during patrolling, a confidential information was received that co-accused Shyam Deo Chaudhary and Raghun Chaudhary, the petitioner were manufacturing Mahua liquor, consequently, a raid was laid but two persons escaped from the scene, thereafter, the villagers disclosed their name as co-accused Shyam Deo Chaudhary and Raghun Chaudhary, the petitioner and 35 litres of Mahua liquor along with certain utensils used for manufacturing liquor were recovered from an open area.

It is submitted by learned counsel for the petitioner that the petitioner is accused in one other case of similar nature and investigation has already been concluded.

Learned APP for the State submits that the recovery has been made from the manufacturing unit of the petitioner and co-accused Shyam Deo Chaudhary.

Considering the fact that the recovery has been made from an open area and investigation has already been concluded, 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 Additional Sessions



Judge-II -cum- Special Judge (Excise), Nawada in connection with Akbarpur P.S. Case No. 80 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 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 Additional Sessions Judge-II -cum- Special Judge (Excise), Nawada in connection with Akbarpur P.S. Case No. 80 of 2020..

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.

Vikash/-

(Dinesh Kumar Singh, J)

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