

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22695 of 2020

Arising Out of PS. Case No.-556 Year-2019 Thana- SAKRA District- Muzaffarpur

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TAPAN KUMAR @ TAPAN KUMAR SINGH S/o Late Suryadeo Narayan
Singh Resident of Village- Soudhopatti, P.S.- Sakra, Distt- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Raju Kumar

For the Opposite Party/s : Mr.A.G.

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 03-09-2020 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
15.02.2020, in a case registered for the offences punishable
under Sections 420, 467, 468, 272 and 273 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. Rajesh Kumar, S.H.O., Sakra Police Station, recorded on 04.12.2019 at about 09.05 A.M. is to the effect that during patrolling, a confidential information was received that in front of poultry farm of Sanjay, illicit liquor is being unloaded. Consequently, raid was laid when the informant found a truck parked, from which, labourers were unloading the illicit liquor. On seeing the police, all the accused persons escaped from the scene, however, one labourer was apprehended, who disclosed his name as Satrudhan Manjhi. From the truck in question, total 3833.280 litres of Indian Made Foreign Liquor were recovered. The apprehended co-accused also disclosed the name of the petitioner and others as the persons, who escaped from the scene.

Learned counsel for the petitioner submits that no recovery has been made from the conscious physical possession of the petitioner and the petitioner has not been arrested from the place of seizure. It is further submitted that the petitioner is not having any concern either the truck in question or with the alleged seized liquor. A statement has been made in paragraph



no.3 of the petition that the petitioner is not having any criminal antecedent. 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.

Learned APP for the State submits that the name of the name of the petitioner sprang up on the confession of apprehended co-accused person.

Considering the fact that no recovery has been made from the conscious physical possession of the petitioner, the investigation has already been concluded, period under custody 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 Special Judge, Excise Act, Muzaffarpur, in connection with Sakra P.S. Case No. 556 of 2019.

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 Special Judge, Excise Act, Muzaffarpur, in connection with Sakra P.S. Case No. 556 of 2019.

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)

Amrendra/Ashwini

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