

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22592 of 2020

Arising Out of PS. Case No.-296 Year-2019 Thana- GOVERNMENT OFFICIAL COMP.
District- Gopalganj

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PINTU SAH Son of Prem Sah @ Parma Sah @ Prabha Sah Resident of
Village- Hira Pakad, Naharpar, P.S.- Jadopur, District- Gopalganj.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pritish Ranjan, Adv.

For the Opposite Party/s : Mr. J. N. Thakur, 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 03.06.2020, in a case registered for the offence 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 written report of Inspector, Prohibition, Gopalganj submitted to the Additional District and Sessions Judge, Gopalganj is to the effect that on 01.09.2019, 112.32 of Indian Made Foreign Liquor and 12 litres of beer were recovered from a Wagon -R car. However, the driver and co-driver of the alleged car managed to escape from the spot while taking away documents of the vehicle. The petitioner is alleged to be the driver of the alleged car.

Learned counsel for the petitioner submits that the petitioner in no way is connected with the alleged vehicle. The investigation has already been concluded. A statement has been made in paragraph no.3 of the petition that though the petitioner is accused in five other cases, but in those cases, the petitioner is on bail.

Learned APP submits that the petitioner was the driver of the vehicle from which the recovery has been made.

Considering the fact that there is nothing on record to suggest that the petitioner was the driver of the alleged



vehicle, the investigation has already been concluded and the period under custody, 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-II-cum-Special Judge, Excise Act, Gopalganj, in connection with Excise Case No. 296 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 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-II-cum-Special Judge, Excise Act, Gopalganj, in connection with Excise Case No. 296 of 2019.

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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