

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22260 of 2020

Arising Out of PS. Case No.-306 Year-2019 Thana- SIMRI District- Buxar

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Jitendra Yadav, Son of Late Jnardan Yadav @ Late Manardan Yadav @ Late
Mandar Yadav, Resident of Village - Manjhware, P.S.- Simari, Distt.- Buxar.
... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Dr. Kamal Deo Sharma, Advocate
For the Opposite Party : Dr. Mrityunjaya Kumar Gautam, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

2 25-08-2020 Filing through email of the present application has

been accepted in view of the out-break of COVID-19 Pandemic

and has been posted before me for hearing through video

conferencing.

The application is apparently not in accordance with

the provisions prescribed under the Patna High Court Rules, which

do not contemplate filing of application through email. In spite of

that, considering the extra-ordinary situation, filing of the present

application has been allowed through email.

Considering the situation prevailing, the Court has

considered, for the present, to ignore the deficiency in filing of the

application.

Heard learned counsel for the petitioner and learned

Additional Public Prosecutor for the State.

The petitioner has filed the present application under



Sections 439 and 440 of the Code of Criminal Procedure for grant of bail in connection with Simari P.S. Case No.306 of 2019 registered under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

It is submitted by the learned counsel for the petitioner that no recovery was made from the possession of the petitioner and the alleged recovery of 15.06 liters of foreign liquor is from an open place on the road side, which does not belong to the petitioner.

Learned Additional Public Prosecutor for the State has opposed the application for grant of bail to the petitioner.

Considering the nature of the offence, the submissions made above and the period undergone by the petitioner in custody as an under-trial prisoner, the prayer for bail is allowed. The petitioner is directed to be released on bail on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned A.D.J.-II-cum-Special Judge, Excise Act, Buxar in connection with Simari P.S. Case No.306 of 2019.

Since the court proceedings are being conducted through virtual mode and normal court functioning has not been restored till date, it is considered appropriate to adopt the following procedure for communication of the present order:-



- (i) The order, which has been dictated during the course of proceeding of the virtual court, shall be communicated to me on my email by the Senior Secretary.
- (ii) The corrected copy of the order shall be transmitted by me from my email id to the Senior Secretary, which shall be treated to be an authentic copy of the order passed by this Court in the present proceeding.
- (iii) Hard copy of the order duly signed by me shall be preserved in my residential office for documentation and future use, if any.
- (iv) Let a copy of the order be sent to Dr. Kamal Deo Sharma, learned counsel for the petitioner also on his email.
- (v) Let steps be taken by the Senior Secretary/registry for up-loading of the present order without compromising with the norms of social distancing.

(Ashwani Kumar Singh, J.)

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