

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22674 of 2020

Arising Out of PS. Case No.-163 Year-2019 Thana- BACHHWARA District- Begusarai

Murari Kumar @ Lulha @ Murari Kunwar S/o Nand Kumar Kunwar
Resident of Village- Gonu Chak, P.S.- Bachhwara, Dist- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shubhesh Pandey, Advocate

For the Opposite Party/s : Mr. Anil Prasad Singh, APP

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
24.08.2019 in a case registered for the offences punishable



under Sections 25(1-B)a/26/35 of the Arms Act and Section 30(a) 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 self statement of S.I., Parsuram Singh, S.H.O., Bachhawara Police Station recorded on 22.08.2019 at 5.55 A.M., is to the effect that on a confidential information that the petitioner has kept illicit liquor in his house, consequently, the house of one Murari Kunwar was raided when on seeing the police party one person escaped from the scene and one person was apprehended, who disclosed his name as co-accused Nand Kumar Kunwar. Thereafter, search was made in his house and one country made pistol and two live cartridges were recovered. The apprehended co-accused Nand Kumar Kunwar is the father of the petitioner and from the agricultural house of Nand Kumar Kunwar, 168.320 litres of Indian Made Foreign Liquor were recovered. The father of the petitioner disclosed that the agricultural house is in possession of the petitioner, leading to registration of the case.

It is submitted by learned counsel for the petitioner that the recovery has not been made from conscious physical possession of the petitioner rather the recovery has been made



from the joint family house. The petitioner was not apprehended from the place of recovery and investigation has already been concluded. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP for the State submits that the recovery has been made from the agricultural house of the petitioner.

Considering the nature of recovery and the fact that the investigation has already been concluded, coupled with the statement made in paragraph no.3 of the petition 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 Additional Sessions Judge -II -cum- Special Judge, Excise, Begusarai in connection with Bachhwara P.S. Case No. 163 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 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, Begusarai in connection with Bachhwara P.S. Case No. 163 of 2019.

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.

(Dinesh Kumar Singh, J)

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