

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23878 of 2020

Arising Out of PS. Case No.-30 Year-2020 Thana- AKBARPUR District- Nawada

RAJESH KR. @ RAJESH SAO Son of Shiv Charan Sao Resident of Village -
Narhat (Teli Tola Hisua), P.S. - Narhat, District - Nawada.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pramod Kumar Verma

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

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 21-09-2020 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 week 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
05.06.2020, in a case registered for the offences punishable
under Sections 30(a) and 41 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 S.I., Md. Saroj Akhtar, submitted to the S.H.O., Akbarpur Police Station is to the effect that on 23.01.2020 at about 3 P.M., the informant received a confidential information that near Lohanipur Petroleum dealership, liquor is being brought. Consequently, raid was laid and from a pick up van, total 360 litres of Indian Made Foreign Liquor were recovered and five persons were apprehended. The name of the petitioner sprang up on the confession of apprehended co-accused persons.

Learned counsel for the petitioner submits that no recovery has been made from the conscious physical possession of the petitioner and he was not apprehended from the place of seizure. Co-accused Suraj Kumar and Raja Kumar, on whose confession, the name of the petitioner sprang up, have been granted bail by a Co-ordinate bench of this Court, vide order dated 13.05.2020, passed in Cr. Misc. No. 13597 of 2020. A statement has been made in paragraph no.3 of the petition that the petitioner is made accused in one other case. 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 petitioner sprang up on the confession of apprehended co-accused persons.

Considering the fact that no recovery has been made from the conscious physical possession of the petitioner, the investigation has already been concluded and co-accused persons, on whose confession, the name of the petitioner sprang up, have been granted bail by a Co-ordinate bench of this Court and the trial is not likely to be concluded due to the pandemic, Covid-19, 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, Nawada, in connection with Akbarpur P.S. Case No. 30 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 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 Additional Sessions Judge-II-cum-Special Judge, Nawada, in connection with Akbarpur P.S. Case No. 30 of 2020.

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)

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