

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22714 of 2020

Arising out of PS. Case No.-158 Year-2020 Thana- GOPALGANJ TOWN District-
Gopalganj

Arif Ali, Son of Late Shamshad Mian @ Late Shamshad Samani @ Late
Shamshad @ Late Samsad Miya Resident of Village - Vrindavan (Birdaban),
Police Station - Uchakagaon, District – Gopalganj. Petitioner/s

Versus

The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Lokesh Kumar Singh, Advocate

For the Opposite Party/s : Mr. Ram Sumiran Rai, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 03-09-2020 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
08.03.2020 in a case registered for the offences punishable
under Sections 399/402/414 of the Indian Penal Code, Sections



25(1-B)a/26/35 of the Arms Act and Sections 8(c)/21(a) of the NDPS Act, hence, the prayer for bail has been made through the present application.

The prosecution case, as per the written report of A.S.I., Brijnandan Rai submitted to the Station House Officer, Gopalganj Town P.S., is to the effect that on 07.03.2020 at 11.30 A.M., a confidential information was received that some miscreants were standing and planning to commit dacoity at Islamiya Mohalla Dargah in front of Gauri Sah Shop, consequently, a raid was laid and four persons were apprehended who disclosed their name as co-accused Yogendra Thakur, Raushan Khan, Vyas Bind and Arif Ali, the petitioner when two persons escaped from the scene. From the possession of the petitioner, five sachets of smack were recovered weighing three grams and from the possession of the other co-accused, arms and smacks were recovered.

It is submitted by learned counsel for the petitioner that the petitioner has falsely been framed in the matter and no recovery has been made from the conscious physical possession of the petitioner. The petitioner is accused in one other case registered under Excise Act and investigation has already been concluded.



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

Considering the fact that the recovery is of small quantity, the FSL Report is not on record and investigation has already been concluded, 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 1st Additional Sessions Judge, Gopalganj in connection with Gopalganj Town P.S. Case No. 158 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 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 1st Additional Sessions Judge, Gopalganj in connection with Gopalganj Town P.S. Case No. 158 of 2020.



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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