

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22765 of 2020

Arising Out of PS. Case No.-31 Year-2020 Thana- PIPRA District- Patna

RAKESH KUMAR @ ANNU Son of Nandlal Sao Resident of - Sihi, P.S.-
Dulhin Bazar, District - Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Navin Kumar

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

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 08-09-2020 The matter has been taken up through virtual

Court proceeding.

Since the court proceeding is non-functional in
physical mode due to the present pandemic COVID-19,
the matter is listed with defects.

Learned counsel for the petitioner undertakes to
remove the defects within three weeks of the resumption
of the physical Court proceedings.

In case of non-removal of the defects within
undertaken period, the office shall place the matter
before the bench.

Heard learned counsel for the petitioner and



learned counsel for the State.

The petitioner is languishing in custody since 18.05.2020 in a case registered for the offence punishable under Sections 30(a) of the Bihar Prohibition & Excise Act, 2016, as amended by Amendment Act 8 of 2018.

The prosecution case as per the written report of Bipin Kumar Ojha, S.I. of Pipra Police Station is to the effect that on 18.05.2020, one motorcycle was intercepted and from the motorcycle, 70 litres of country made liquor kept in a plastic bag was recovered and the petitioner was apprehended.

It is submitted by learned counsel for the petitioner that petitioner is not having any criminal antecedent and only on suspicion, he has been apprehended and the petitioner has no concern with the recovered liquor. Moreover, the investigation has already been concluded. Statement has been made in para 3 of the petition that the petitioner is not having any criminal



antecedent.

Considering the period under custody and the fact that investigation has already been concluded coupled with the fact 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 learned Special Judge (Excise), Patna in connection with Pipara P.S. Case No. 31 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 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. 10,000/-(ten



thousands) with two sureties of the like amount each to the satisfaction of learned Special Judge (Excise), Patna in connection with Pipara P.S. Case No. 31 of 2020 including one surety given at the time of provisional bail.

The learned Court below will be 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 present application stands disposed of.

(Dinesh Kumar Singh, J)

Shageer/-

U		T	
---	--	---	--

