

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22640 of 2020

Arising Out of PS. Case No.-43 Year-2020 Thana- LAUKAHA District- Madhubani

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DURGA NAND RAM S/o Dukhia Ram @ Dukhi Ram R/o Village- Jatahi,
P.S.- Khutauna, Distt- Madhubani

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Shashank Chandra

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

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 02-09-2020 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 weeks 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
21.02.2020 in a case registered for the offences punishable



under Sections 272, 273 of the Indian Penal Code and Section 30(a) 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 ASI Dhiraj Singh submitted to the S.H.O., Laukaha Police Station is to the effect that on 20.02.2020 at 3.30 P.M. a confidential information was received that the liquor is being transported on Indian Nepal Border. Consequently, a raid was laid when certain persons were seen coming from the Nepal side carrying certain articles in the bags when the informant tried to intercept them they threw the bag and escaped from the scene. Somehow, one person was apprehended who disclosed his name as Durga Nand Ram, the petitioner. From the bag in question 470 bottles of 300 ml each total 141 litres of Nepali liquor were recovered.

Learned counsel for the petitioner submits that only on the basis of suspicion the petitioner has been roped in the present case. No recovery has been made from the conscious physical possession of the petitioner. The investigation has already been concluded and a statement has been made in paragraph no.3 of petition that the petitioner is not having any criminal antecedent.



Learned APP submits that the petitioner along with other were found carrying certain things and but on seeing the raiding party he threw the bag on the road.

Considering the manner of recovery, investigation already being concluded and the statement made in paragraph no.3 of the petition to the effect 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 ADJ-II-cum-Special Judge, Excise Act, Madhubani, in connection with Laukaha P.S. Case No. 43 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.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



ADJ-II-cum-Special Jude, Excise Act, Madhubani, in connection with Laukaha P.S. Case No. 43 of 2020.

The learned Court below will further 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 stands disposed of.

(Dinesh Kumar Singh, J)

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