

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22647 of 2020

Arising Out of PS. Case No.-186 Year-2020 Thana- KADAMKUAN District- Patna

AKHIL KUMAR Son of Ramjiwan Rai Resident of Village - Khagaul
Kothwa, Police Station - Khagaul, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Ritika Rani, Adv.

For the Opposite Party/s : Mr. J. N. Thakur, APP

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
13.05.2020, in a case registered for the offences punishable
under Sections 120 and 420 of the IPC 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 Mr. Nishikant Nishi, S.H.O., Kadamkuan Police Station submitted to the learned Additional Sessions Judge-cum-Special Judge, Patna is to the effect that during investigation of a criminal case on 10.05.2020, one Sambhu Kumar Yadav was apprehended, who disclosed that he is indulged in trade of illicit liquor and also suggested that co-accused, Vinay Kumar Yadav, Tikku Kumar and Intejar used to transport the illicit liquor through petroleum tanker. Consequently, raid was laid and a tanker was intercepted and the petitioner and other accused persons were apprehended. From the tanker in question, total 1783.500 litres of Indian Made Illicit Liquor were recovered.

Learned counsel for the petitioner submits that no recovery has been made from the conscious physical possession of the petitioner and the petitioner is not having any connection with the tanker in question. A statement to that effect has been made in paragraph no. 12 of the petition. A statement has been made in paragraph no.3 of the petition that the petitioner is accused in one other case, in which he is on bail. It is further submitted that similarly situated co-accused, Karsh Kumar @ Kundan Kumar has been granted bail by a Co-ordinate bench of



this Court, vide order dated 01.07.2020, passed in Cr. Misc. No. 21364 of 2020 and co-accused, Reyansh Kumar has been granted bail by a Co-ordinate bench of this Court, vide order dated 03.07.2020, passed in Cr. Misc. No. 21464 of 2020. Moreover, 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 petitioner was apprehended from the spot.

Considering the fact that there is nothing on record to suggests the petitioner is having any connection with the tanker in question, the investigation has already been concluded, period under custody 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 Special Judge, Excise, Patna, in connection with Kadamkua P.S. Case No. 186 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 Special Judge, Excise, Patna, in connection with Kadamkua P.S. Case No. 186 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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