

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22718 of 2020

Arising out of PS. Case No.-203 Year-2020 Thana- KUCHAIKOTE District- Gopalganj

Amit Kumar, Son of Late Raja Mahto Resident of Purani Chowk, Ward No. 17, P.S.- Nagar Gopalganj, 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. Akbar Ali, 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 08.06.2020 in a case registered for the offence punishable under



Section 30(a) of Bihar Prohibition and Excise Act, 2016, as amended by Act 8 of 2018, hence, the prayer for bail has been made through the present application.

The prosecution case, as per the written report of S.I., Anil Kumar Singh submitted to the Station House Officer, Kuchaikote P.S., is to the effect that on 07.06.2020 during patrolling, three motorcyclists were intercepted but on seeing the police party they tried to escape from the scene, thereafter, on chase they were apprehended and disclosed their names as Amit Kumar, the petitioner, Sharma Ram and Shashi Pratap Singh and 59.460 litres of Indian Made Foreign liquor were recovered.

It is submitted by learned counsel for the petitioner that the petitioner was not aware about the carrying of the liquor. A statement has been made in paragraph no. 3 of the petition that the petitioner is not having any criminal antecedent 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 petitioner was not aware about carrying the liquor and investigation has already been concluded, coupled with the statement made in paragraph no. 3



of the petition 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 Additional Sessions Judge-II -cum- Special Judge (Excise), Gopalganj in connection with Kuchaikote P.S. Case No. 203 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 Additional Sessions Judge-II -cum- Special Judge (Excise), Gopalganj in connection with Kuchaikote P.S. Case No. 203 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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