

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24124 of 2020

Arising Out of PS. Case No.-70 Year-2020 Thana- CHAKIA District- East Champaran

Rupesh Singh @ Vikash Singh @ Vikash Kumar Singh S/o Bachcha Narayan
Singh @ Bachcha Singh Resident of Village- Dilawar pur, P.S.- Kesriya,
District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Saiyad Ahshamuddin, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 08-10-2020 The Court proceeding has been conducted through
virtual mode.

Heard learned counsel for the petitioner and learned
Additional Public Prosecutor 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 apprehending arrest in a case



registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2016 as amended by Act 8 of 2018.

It is alleged that 3456.36 litres of Indian made foreign liquor were recovered from the Litchi orchard of co-accused Ashok Singh and the petitioner was associated with him.

It is submitted by learned counsel for the petitioner that the recovery has not been made from conscious physical possession of the petitioner rather the same has been made from the Litchi orchard of co-accused Ashok Singh, who has been granted bail by learned Court below. A statement has been made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent.

The petitioner is agreed to deposit a sum of Rs.75,000/- (Rupees Seventy Five Thousand) in Chief Minister Relief Fund, Bihar bearing Account No. 2065104000002257, IFSC IBKL0002065, IDBI Bank, Kidwaipuri Branch, Patna.

Learned APP for State oppose the prayer for anticipatory bail.

Having regard to the facts and circumstances of the case, let the above named petitioner, be released on bail, in the



event of their arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned 7th Additional Sessions Judge -cum- Special Judge, Excise, Motihari, East Champaran in connection with Chakia P.S. Case No. 70 of 2020, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

The bail bond of the petitioner shall be accepted by the learned Court below on showing receipt of deposit of Rs.75,000/- (Rupees Seventy Five Thousand) in Chief Minister Relief Fund.

(Anjani Kumar Sharan, J)

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