

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23887 of 2020

Arising out of PS. Case No.-85 Year-2020 Thana- DARPA District- East Champaran

Deelip Kumar, Son of Kishor Prasad Resident of Village- Hirmani Bazar,
P.S.- Chhauradano, Distt- East Champaran, Motihari.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajesh Kumar, Advocate

For the Opposite Party/s : Mr. APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 21-09-2020 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
07.06.2020 in a case registered for the offences punishable



under Sections 272 and 273 of the Indian Penal Code and 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., Raj Kumar Yadav submitted to the Station House Officer, Darpa P.S., is to the effect that on 06.06.2020 at 11 P.M. during the night patrolling, when two persons travelling on a Splendor Plus motorcycle carrying a gallon were intercepted, when one person was apprehended who disclosed his name as Deelip Kumar, the petitioner and another co-accused Kishori Sah managed to escape from the scene and from their possession, total, 32 litres of country-made liquor were recovered.

It is submitted by learned counsel for the petitioner that no recovery has been made from the conscious physical possession of the petitioner and the investigation has already been concluded. A statement has been made in paragraph no. 3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP for the State submits that the recovery has been made from the possession of the petitioner.

Considering the fact that the investigation has already



been concluded and 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 Special Judge (Excise), East Champaran, Motihari in connection with Darpa P.S. Case No. 85 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 Special Judge (Excise), East Champaran, Motihari in connection with Darpa P.S. Case No. 85 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)

Vikash/-

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

