

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 25176 of 2020

Arising out of P.S. Case No.-105 Year-2020 Thana- TEGHRHA District- Begusarai

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Budhan Sharma, Son of Ramashray Sharma, Resident of Village- Nipaniya
Madhurapur, Gosai Tola, Ward No.08, Police Station- Teghra, District-
Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Ms. Sanjana, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 22-09-2020 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



26.04.2020 in a case registered for the offence punishable under Section 120B 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 Awanti Kumari, S.I. submitted to the Station House Officer, Teghra P.S., is to the effect that on 25.04.2020 at 3.30 P.M. during the evening patrolling, an information was received from the Station House Officer that one Ajay Sharma has stored liquor in his house which is being sold and purchased by Budhan Sharma, the petitioner and co-accused Santosh Singh, consequently, a raid was laid and on seeing police party they tried to escape from the scene but one person was apprehended who disclosed his name as Budhan Sharma, the petitioner and he also disclosed the name of two persons who escaped from the scene as co-accused Suraj Kumar and Santosh Kumar. The petitioner also admitted that he is a syndicate of liquor trade. From the house of co-accused Ajay Sharma, total, 1926.720 litres of Indian Made Foreign Liquor was recovered.

It is submitted by learned counsel for the petitioner that nothing has been recovered from the conscious physical



possession of the petitioner rather the same recovery has been made from the house of co-accused Ajay Sharma and he has been made accused only on basis of suspicion though the petitioner is accused in one other case of similar nature and investigation has already been concluded.

Learned APP for the State submits that the petitioner has made confession that he is a syndicate of the liquor trade and he is named in the FIR.

Considering the fact that the recovery *prima facie* appears to be made from the house of co-accused Ajay Sharma and investigation has already been concluded, 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), Begusarai in connection with Teghra P.S. Case No. 105 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), Begusarai in connection with Teghra P.S. Case No. 105 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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