

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25194 of 2020

Arising Out of PS. Case No.-461 Year-2019 Thana- SIWAN MUFFASIL District- Siwan

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Vinay Kumar Singh Son of Late Rajdeo Singh Resident of Village - Muriyari,
P.S.- Mairwa, District - Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Prabhakar Singh

For the Opposite Party/s : Mr.APP

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 23-09-2020 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
06.12.2019 in a case registered for the offences punishable



under Sections 272, 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., Ram Umed Shukla submitted to the Station House Officer, Dhanauti O.P., is to the effect that on 05.12.2019 during patrolling a motorcycle was intercepted which was being driven by the petitioner and from which, 34 litres of country made liquor were recovered.

It is submitted by learned counsel for the petitioner that the petitioner was not aware about the liquor being loaded on the motorcycle and 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 motorcycle of the petitioner.

Considering the fact that the investigation has already been concluded and statement being 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 District & Sessions Judge-II -cum- Special Judge, Siwan in connection with Siwan Muffasil (Dhanauti O.P.) P.S. Case No. 461 of 2019.

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 District & Sessions Judge-II -cum- Special Judge, Siwan in connection with Siwan Muffasil (Dhanauti O.P.) P.S. Case No. 461 of 2019.

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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