

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23338 of 2020

Arising Out of PS. Case No.-245 Year-2020 Thana- NAUBATPUR District- Patna

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Dukhan Manjhi S/o Rajendra Manjhi Resident of Bara, P.S.- Naubatpur,
District- Patna.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr. Rakesh Bihari Singh, Adv.

For the Opposite Party/s : Mr. Umeshanand Pandit, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

2 07-10-2020 Filing through email of the present application has

been accepted in view of the out-break of COVID-19 Pandemic

and has been posted before me for hearing through video

conferencing.

The application is apparently not in accordance

with the provisions prescribed under the Patna High Court

Rules, which do not contemplate filing of application through

email. Inspite of that, considering the extra-ordinary situation,

filing of the present application has been allowed through email.

Considering the situation prevailing, the Court has

considered, for the present, to ignore the deficiency in filing of

the application.

Heard learned counsel for the petitioner and

learned counsel for the State.

The Petitioner seeks bail in connection with



Naubatpur P.S. Case No. 245 of 2020 registered for the offences punishable under Sections 30(a), 38 and 41 of the Bihar Prohibition and Excise Act.

It is contended by learned counsel for the petitioner that the case of the petitioner stands on identical footing to that of co-accused Awadhesh Kumar, who has already been granted bail by a co-ordinate Bench of this Court vide order dated 18.09.2020 passed in Cr. Misc. No. 23519 of 2020.

Learned counsel for the State has opposed the application for grant of bail to the petitioner. However, he does not dispute that the case of the petitioner stands on identical footing to that of co-accused Awadhesh Kumar.

Considering the reasons assigned in the aforesaid order dated 18.09.2020 passed in Cr. Misc. No. 23519 of 2020, the petitioner is directed to be released on bail, on furnishing bail bond of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise, Patna in connection with Special Case No. 3509 of 2020 arising out of Naubatpur P.S. Case No. 245 of 2020.

Since the court proceedings are being conducted through virtual mode and normal court functioning has not been restored till date, it is considered appropriate to adopt the



following procedure for communication of the present order:-

- (i) The order, which has been dictated during the course of proceeding of the virtual court, shall be communicated to me on my email by the Sr. Secretary.
- (ii) The corrected copy of the order shall be transmitted by me from my email id to the Sr. Secretary, which shall be treated to be an authentic copy of the order passed by this Court in the present proceeding.
- (iii) Hard copy of the order duly signed by me shall be preserved in my residential office for documentation and future use, if any.
- (iv) Let a copy of the order be sent to Mr. Rakesh Bihari Singh, learned counsel for the petitioner also on his email.
- (v) Let steps be taken by the Sr. Secretary/registry for uploading of the present order without compromising with the norms of social distancing.

(Ashwani Kumar Singh, J)

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