

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23331 of 2020

Arising Out of PS. Case No.-192 Year-2020 Thana- RAJGIR District- Nalanda

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Kanhayia Kumar S/o Late Sita Ram Saw Resident of Madhopur, P.S.-
Bakhtiarpur, Distt- Patna.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr. Rakesh Bihari Singh, Advocate

For the Opposite Party : Mr. Amit Kumar Rakesh, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

2 18-09-2020 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. In spite 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 Additional Public Prosecutor for the State.

The petitioner has filed the present application under Sections 439 and 440 of the Code of Criminal Procedure for grant of bail in connection with Rajgir P.S. Case No.192 of 2020 registered under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

It is contended that nothing incriminating was recovered from the possession of the petitioner. The recovery of about 170 litres of liquor was from *bathan* of one Dinanath Singh. The petitioner has got no concern with the aforestated Dinanath Singh.

Learned Additional Public Prosecutor appearing for the State has opposed the prayer for grant of bail of the petitioner. He contended that when the police raided the *bathan* of Dinanath Singh, some persons fled away from the place and it came in the confession of the arrested accused that the petitioner was also present there.

Be that as it may, regard being had to the nature of the offence and the period of about 3 months undergone by the petitioner in custody, he 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 Court, Excise, Nalanda (Biharsharif) in connection with Rajgir P.S. Case No.192 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 Senior Secretary.
- (ii) The corrected copy of the order shall be transmitted by me from my email id to the Senior 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 Senior Secretary/registry for



up-loading of the present order without compromising with the norms of social distancing.

(Ashwani Kumar Singh, J)

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