

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23299 of 2020

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

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Bobby Kumar S/o Late Delip Kumar Resident of Mahipur, P.S. Jandaha,
District – Vaishali. Petitioner/s

Versus

The State of Bihar Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rakesh Bihari Singh, Advocate
For the Opposite Party/s : Mr. APP.

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 14-09-2020 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
18.06.2020 in a case registered for the offences punishable
under 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 self statement of SI Santosh Kumar, Rajgir P.S. submitted to the 3rd Additional Sessions Judge-cum-Special Judge, Nalanda, is to the effect that on 17.06.2020 at 1.00 P.M. during night patrolling, a confidential information was received that one Dina Nath Singh has stored liquor, consequently, a raid was laid in the house of Dina Nath Singh, from where, 169.875 litres of Indian Made Foreign liquor were recovered and six persons were apprehended from the house of Dina Nath Singh namely co-accused Sonu Singh, Ashutosh Kumar, Dina Nath Singh, Ajay Kumar, Kanhaiya Kumar and Bobby Kumar, the petitioner.

It is submitted by learned counsel for the petitioner that the recovery has been made from the house of Dina Nath Singh and the petitioner was simply present there and he has no concern with the recovered liquor. 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 petitioner was apprehend from the spot of seizure.

Considering the fact that the recovery has been made



from the house of co-accused Dina Nath Singh and investigation has already been concluded, coupled with the statement 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), Nalanda, Bihar Sharif in connection with Rajgir P.S. Case No. 192 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), Nalanda, Bihar Sharif in connection with Rajgir P.S. Case No. 192 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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