

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23323 of 2020

Arising Out of PS. Case No.-273 Year-2018 Thana- SIMRI District- Buxar

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Pappu Yadav @ Indrajeet Yadav Son of Late Mundar Yadav @ Late
Manordan Yadav Resident of Village-Majhwari, Police Station-Simri,
District-Buxar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Arun Kumar Pandey, Advocate

For the Opposite Party/s : Mr. Lakshmi Kant Sharma, APP

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 15-09-2020 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



18.05.2020 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 written report of A.S.I., Kameshwar Dubey submitted to the Station House Officer, Simri Police Station, is to the effect that on 27.11.2018 at 10.00 P.M. during patrolling, the informant came to know that Sunil Yadav is indulged in trade of liquor, consequently, a raid was laid and from the field behind Krishna temple in village – Dulahpur, total 1646.64 litres of Indian Made Foreign Liquor were recovered. The local people suggested the name of some persons including the name of the petitioner, who escaped from the scene.

It is submitted by learned counsel for the petitioner that the recovery has not been made from conscious physical possession of the petitioner and the petitioner was not apprehended from the place of recovery, moreover, co-accused Sunil Yadav has been granted bail vide order dated 11.02.2019 passed in Cr. Misc. No. 7816 of 2019 by Co-ordinate bench of this Court and investigation has already been concluded.

Learned APP for the State submits that the



petitioner has been escaped from the place of seizure and he has serious criminal antecedent.

Considering the fact that the recovery has been made from an open area, similarly situated co-accused has been granted bail by Co-ordinate bench of this Court 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 - 2nd -cum-Special Judge (Excise), Buxar in connection with Simri P.S. Case No. 273 of 2018.

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 - 2nd -cum- Special Judge (Excise),
Buxar in connection with Simri P.S. Case No. 273 of 2018.

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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