

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23854 of 2020

Arising Out of PS. Case No.-384 Year-2019 Thana- HAJIPUR SADAR District- Vaishali

Ravi Ray @ Ravi Rai S/o Umesh Ray R/o village- Iamailpur @ Harauli
Kachehari, P.S.- Hajipur Sadar, District- Vaishali

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manish Chandra Gandhi

For the Opposite Party/s : Mr.APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 18-09-2020 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
06.05.2020 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 Gajendra Prasad Singh, S.I., Sadar Police Station, Hajipur submitted to the Station House Officer, Sadar Police Station, Hajipur, is to the effect that on 17.06.2019 during evening patrolling, a confidential information was received that in the Banana orchard of Ajit Sahni huge, quantity of liquor has been stored, consequently, a raid was laid and on seeing the police party, four persons started fleeing away but on chase, three persons were apprehended, who disclosed their name as Krishna Kumar, Rakesh Kumar and Amit Kumar and during search total, 473.60 litres of Indian Made Foreign Liquor and a motorcycle were recovered and the apprehended co-accused persons disclosed that the liquor was brought at the instance of co-accused Ajit Kumar and the petitioner Ravi Ray. It is further alleged that the recovered motorcycle belongs to the petitioner.

It is submitted by learned counsel for the petitioner that the recovery has not been made from conscious physical possession of the petitioner rather the recovery has been made from Banana orchard of co-accused Ajit Kumar and the



petitioner was not apprehended from the spot. Though the petitioner is accused in two other cases but he is on bail in both the cases and investigation has already been concluded.

Learned APP for the State submits that the motorcycle of the petitioner was seized from the place of seizure and apprehended co-accused persons suggested the name of the petitioner.

Considering the fact that the recovery has not been made from the motorcycle of the petitioner rather the recovery has been made from Banana orchard of co-accused Ajit Kumar 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-II -cum- Excise Court, Vaishali at Hajipur in connection with Hajipur Sadar P.S. Case No. 384 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 Sessions Judge -cum- Excise Court, Vaishali at Hajipur in connection with Hajipur Sadar P.S. Case No. 384 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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