

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.25190 of 2020**

Arising out of PS. Case No.-87 Year-2020 Thana- KUDRA District- Kaimur (Bhabua)

Raju Gupta, S/o Shiv Sah, R/o Village- Adarsh Nuaon, P.S.- Drugawati,  
District- Kaimur at Bhabua.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Tribhuwan Narayan, Advocate

For the Opposite Party/s : Mrs. Rita Verma, APP

**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH**  
**ORAL ORDER**

2      23-09-2020      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  
22.03.2020 in a case registered for the offence 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 Shri Kant Paswan, A.S.I. recorded on 22.03.2020 at 4.00 P.M. submitted to the Station House Officer, Kudra P.S., is to the effect that on 21.03.2020 at 10.00 P.M. during patrolling, the informant received an information that liquor is being transported and consequent thereto, one car was intercepted on which three persons were travelling, two persons managed to escape from the scene and one person was apprehended from the car who disclosed his name as Umesh Kumar Yadav. From the said car total, 77.76 litres of Indian Made Foreign Liquor were recovered and total, include 54 litres of Indian Made Foreign Liquor were recovered from Pulsar motorcycle belonging to co-accused Ankit Gupta and total, 54 litres of Indian Made Foreign Liquor were recovered from Apache motorcycle belonging to the petitioner.

It is submitted by learned counsel for the petitioner that the petitioner was not aware of the liquor loaded on the motorcycle in question and investigation has already been concluded. 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 recovery of liquor has been made from the motorcycle of the petitioner.

Considering the fact that the investigation has already been concluded and the statement made 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 Additional Sessions Judge-V -cum- Special Judge (Excise), Kaimur at Bhabhua in connection with Excise Case No. 279 of 2020 arising out of Kudra P.S. Case No. 87 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 Additional Sessions Judge-V -cum- Special Judge (Excise), Kaimur at Bhabhua in connection with Excise Case No. 279 of 2020 arising out of Kudra P.S. Case No. 87 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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