

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23325 of 2020

Arising Out of PS. Case No.-101 Year-2020 Thana- SAKRA District- Muzaffarpur

Subodh Kumar S/o Vishun Sah Resident of Village-Sakra Bazid, P.S.-Sakra,
District-Muzaffarpur, Bihar.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anish Kumar

For the Opposite Party/s : Mr.APP

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
11.03.2020 in a case registered for the offences punishable



under Sections 272, 273, 420, 467, 468 of the Indian Penal Code and 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 Rajesh Kumar, Station House Officer, Sakra Police Station on 10.03.2020 at 2.20 P.M., is to the effect that on the same day, a confidential information was received that on a Swift Dezire Car and on a motorcycle, liquor is being transported, consequently, both the vehicles were intercepted and from the vehicles, altogether 86.400 litres of Indian Made Foreign Liquor were recovered and two persons were apprehended, who disclosed their name as Subodh Kumar, the petitioner and co-accused Kanchan Kumar.

It is submitted by learned counsel for the petitioner that the recovery has not been made from conscious physical possession of the petitioner and petitioner has no concern with the seized vehicle or liquor in question, statement to that effect has been made in paragraph 6 of the petition. The investigation has already been concluded and 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 has been apprehended from the place of seizure.

Considering the fact that the investigation has already been concluded and 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 Special Judge, Excise, Muzaffarpur in connection with Sakra P.S. Case No. 101 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, Muzaffarpur in connection with Sakra
P.S. Case No. 101 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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