

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23893 of 2020

Arising out of PS. Case No.-148 Year-2020 Thana- RAMGARHWA District- East
Champaran

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1. Chandan Kumar S/o Ramadar Sahani Resident of Village- Mushawa Bherihari, P.S.- Sugauli, District- East Champaran, Motihari.
 2. Munna Kumar S/o Ramadar Sahani Resident of Village- Mushawa Bherihari, P.S.- Sugauli, District- East Champaran, Motihari.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajesh Kumar, Advocate

For the Opposite Party/s : Mr. J.N. Thakur, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 21-09-2020 The Court proceeding has been conducted through
virtual mode.

Heard learned counsel for the petitioners 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 petitioners 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 petitioners are languishing in custody since 25.06.2020 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 written report of Awadhesh Kumar Singh, A.S.I., submitted to the Station House Officer, Ramgarhwa P.S., is to the effect that on 24.06.2020 at 6.10 A.M., a confidential information was received that the liquor was being carried on a motorcycle, consequently, a raid was laid and one Super Splendor motorcycle was intercepted on which, two persons were found travelling, who disclosed their name as Chandan Kumar and Munna Kumar, the petitioners and total, 60 litres of Mahua Liquor were recovered from the possession of the petitioners.

It is submitted by learned counsel for the petitioners that recovery has not been made from the conscious physical possession of the petitioners and investigation has already been concluded. A statement has been made in paragraph no. 3 of the petition that the petitioners are not having any criminal antecedent.

Learned APP for the State submits that the recovery



has been made from the possession of the petitioners.

Considering the fact that the investigation has already been concluded and the statement made in paragraph no. 3 of the petition that the petitioners are not having any criminal antecedent, let the petitioners 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), East Champaran, Motihari in connection with Ramgarhwa P.S. Case No. 148 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 petitioners which may be transmitted by such surety to the learned Court concerned through e-mode.

The provisional bail of the petitioners will be confirmed by the learned Court below within three months on furnishing bail bond of Rs.10000/- (ten thousand) each 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), East Champaran, Motihari in connection with Ramgarhwa P.S. Case No. 148 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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