

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25155 of 2020

Arising Out of PS. Case No.-357 Year-2019 Thana- VAISHALI District- Vaishali

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Anil Tiwary S/o Ramjee Tiwary @ Ramji Tiwari Resident of Village-
Fatehpur, P.S.-Vaishali, District-Vaishali, Bihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Anish Kumar

For the Opposite Party/s : Mr. Mithilesh Kumar Khare, APP

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 23-09-2020 The matter has been taken up through virtual

Court proceeding.

Since the court proceeding is non-functional in

physical mode due to the present pandemic COVID-19,

the matter is listed with defects.

Learned counsel for the petitioner undertakes to

remove the defects within three weeks of the resumption

of the physical Court proceedings.

In case of non-removal of the defects within

undertaken period, the office shall place the matter

before the bench.

Heard learned counsel for the petitioner and

learned counsel for the State.



The petitioner is languishing in custody since 25.04.2020 in a case registered for the offence punishable under Section 30(a) of the Bihar Prohibition & Excise Act, 2016 as amended by Amendment Act 8 of the Act, 2018.

The prosecution case as per the self statement of S.I. of Police Manzar Alam, S.H.O, Vaishali Police Station is to the effect that on 30.09.2019 at 10:15 A.M, a confidential information was received that in the house of the petitioner, huge quantity of liquor has been stored. Consequently, raid was laid in the house of the petitioner, 1224.69 litres of Indian Made Foreign Liquor were recovered, leading to registration of the case.

It is submitted by learned counsel for the petitioner that recovery has not been made from the conscious physical possession of the petitioner rather recovery has been made from the joint family house when none was residing in the house in question and this fact has already been recorded by the police. Moreover,



the investigation has already been concluded and the petitioner is not having any criminal antecedent, a statement to that effect has been made in para 3 of the petition.

Learned A.P.P. submits that recovery has been made from the house of the petitioner.

Considering the fact that investigation has already been concluded and 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 learned Additional Sessions Judge-II-cum-Excise Court, Vaishali at Hajipur in connection with Vaishali P.S. Case No. 357 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 on 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. 10,000/-(ten thousands) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-II-Excise Court, Vaishali at Hajipur in connection with Vaishali P.S. Case No. 357 of 2019 including one surety given at the time of provisional bail.

The learned Court below will be 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 present application stands disposed of.

(Dinesh Kumar Singh, J)

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