

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32892 of 2020

Arising Out of PS. Case No.-91 Year-2018 Thana- BUXAR District- Buxar

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Chintu Mali @ Radhe Shyam Mali Son of Late Pradeep Mali Resident of
Village - Budhanpurwa, Syndicate, Ward No. 16, Buxar, P.S.- Buxar (Town),
District - Buxar.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr. Anil Kumar Roy, Advocate
For the Opposite Party : Mr. Madan Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

2 14-12-2020 Heard learned counsel for the petitioner and learned

Additional Public Prosecutor for the State via video

conferencing.

2. The petitioner has filed the present

application under Sections 439 and 440 of the Code of Criminal

Procedure for grant of bail in connection with Buxar (Town)

P.S. Case No.91 of 2018 registered under Section 30(a) of the

Bihar Prohibition and Excise (Amendment) Act, 2018.

3. It is submitted by the learned counsel for the

petitioner that for the alleged recovery of 146.88 litres of

whisky from a Honda Ekai vehicle, the petitioner has been

remanded in this case on 18.06.2020 and since then he is in

custody. It is further contended that the petitioner was neither



caught from the vehicle in question nor he is the owner of the car. The name of the petitioner has been disclosed by some persons, who have claimed that he is the driver of the vehicle. It is further contended that the petitioner was never employed as a driver of the vehicle from which the alleged recovery of illicit whisky was made.

4. Learned Additional Public Prosecutor for the State has opposed the prayer for grant of bail to the petitioner.

5. Considering the nature of the offence, the allegations made in the first information report, the defence taken by the petitioner and the fact that he is in custody since 18.06.2020 and the investigation has been completed, he is directed to be released on bail on furnishing bail bond of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional District & Session Judge-II-cum-Special Judge (Excise), Buxar in connection with Buxar (Town) P.S. Case No.91 of 2018, CIS No.255 of 2018.

6. Since the court proceedings are being conducted through virtual mode and normal court functioning has not been restored till date, it is considered appropriate to adopt the following procedure for communication of the present



order:-

- (i) The order, which has been dictated during the course of proceeding of the virtual court, shall be communicated to me on my e-mail by the Senior Secretary.
- (ii) The corrected copy of the order shall be transmitted by me from my e-mail id to the Senior Secretary, which shall be treated to be an authentic copy of the order passed by this Court in the present proceeding.
- (iii) Hard copy of the order duly signed by me shall be preserved in my residential office for documentation and future use, if any.
- (iv) Let steps be taken by the Senior Secretary/registry for up-loading of the present order without compromising with the norms of social distancing.

(Ashwani Kumar Singh, J)

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