

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31950 of 2020

Arising Out of PS. Case No.-154 Year-2020 Thana- GOVERNMENT OFFICIAL COMP.
District- Sitamarhi

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Ram Bhagwan Sah, Son of Ramkalewar Sah, Resident of Village - Dumari
Khurd, P.S.- Majorganj, District - Sitamarhi

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr. Devendra Kumar, Advocate

For the Opposite Party : Mr. Jitendra Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

2 05-12-2020 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

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 C2/154 of 2020 in which cognizance has been taken under Sections 30(a) of the Bihar Prohibition and Excise Act, 2016.

3. It is contended by the learned counsel for the petitioner that the case is based on official complaint instituted by Sub-Inspector, Excise, Sitamarhi. In the complaint, it is not mentioned as to what quantity of liquor was seized from the possession of the petitioner. The seizure memo attached to the complaint also does not disclose the manner in which the seizure was made. It is further contended that nothing incriminating was recovered from the possession of the petitioner but due to high-



handedness of the excise officials the petitioner has been remanded to judicial custody in this case on 02.03.2020 and since then, he is rotting in jail.

4. Learned counsel for the State has opposed the application for grant of bail to the petitioner.

5. Considering the pleadings made in the application, the submissions advanced at the Bar, the nature of the offence and the allegations made against the petitioner, 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 the learned 2nd Additional Sessions Judge-cum-Special Judge, Excise, Sitamarhi in connection with C2/154 of 2020.

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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