

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56862 of 2021

Arising Out of PS. Case No.-40 Year-2020 Thana- BHAGALPUR GRP CASE District-
Bhagalpur

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GABBAR KUMAR @ GABBAR MANDAL Son of Sahdeo Nishad @
Sahdeo Mandal R/o Village- Lailakh, P.S.- Sabour, District- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Davendra Kumar Pandey

For the Opposite Party/s : Mr. Ashok Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL ORDER

2 11-01-2022 Due to the third wave of COVID-19 Pandemic, the

matter is being taken up by way of virtual Court proceeding.

The matter has been listed under the heading “For
Orders” under the orders of Hon’ble the Chief Justice.

Learned counsel for the petitioner is directed to
remove the defect(s), as pointed out by the office, within a
period of four weeks after restoration of normalcy.

Heard learned counsel for the petitioner and the State
through virtual mode.

The petitioner is apprehending his arrest in Bhagalpur
G.R. P.S. Case No. 40 of 2020 registered under Sections 147,
148, 149, 353, 307, 504/506 of the Indian Penal Code, 27 of the
Arms Act and 30(a) of the Bihar Prohibition and Excise Act,
2018.

Allegedly, some miscreants threw three plastic bags from



train. Though four co-accused came and tried to take those bags but the police came and the accused persons ran away. 42 litres wine is recovered from the bags.

It has been submitted on behalf of the petitioner that there is no allegation of tampering of witnesses alleged against the petitioner. The petitioner has been falsely implicated in the present case. Some plastic bags were thrown which was subsequently collected by the police. The local residents protested against the seizure of said plastic bags which led to a scuffle between the police and local residents. In the said plastic bags, wine is said to have been found. Altogether 14 named persons along with 20-25 unknown persons have been made accused in the present case. General and omnibus allegation has been made against the petitioner. No specific overt act is alleged against the petitioner.

On behalf of the State, it is submitted that the petitioner is named in the Complaint Case/F.I.R.

It is necessary to indicate here that this Court while considering the prayer made in the present anticipatory bail application has taken note of the exponential rise in number of covid cases due to outbreak of third wave of Covid-19 pandemic. Further this Court can also not lose sight of the fact



that the condition of jails is not conducive and suitable to the present situation which has arisen due to the sudden rise in covid cases.

Considering the aforesaid facts and circumstances of the case, the petitioner, above named, in the event of arrest or surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on his personal bond to the satisfaction of learned Additional Sessions Judge-II-cum-Special Judge, Excise Act, Bhagalpur in connection with Bhagalpur G.R. P.S. Case No. 40 of 2020 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Once the normalcy is restored, the petitioner shall furnish bail bonds of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each within a period of eight weeks to the satisfaction of the court concerned in connection with the aforesaid case.

(Sudhir Singh, J)

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