

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18399 of 2020

Arising Out of PS. Case No.-19 Year-2020 Thana- CHAPRA MUFFASIL District- Saran

Pintu Kumar Mahto @ Pintu Kumar Mahata Son of Chhotan Mahto Resident
of Village - Karinga Kothi, P.S.- Muffasil, Distt - Saran at Chapra.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dewendra Narayan Singh
For the Opposite Party/s : Mr.Pawan Kumar Chaurasia

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 03-06-2020 The matter has been taken up through virtual court
proceeding.

The petitioner, who is languishing in custody since 11.01.2020, has preferred the present application for grant of bail in a case registered for the offences punishable under Sections 272 and 273/34 of the IPC and Sections 30(a), 37(b) and 41(1) of the Bihar Prohibition and Excise Act, 2016, as amended by Amendment Act 8 of 2018.

The prosecution case, as per the written report of Pramod Kumar Singh, S.I. of Police submitted to the S.H.O., Chhapra Muffasil Police Station is to the effect that on 10.01.2020, during patrolling, a secret information was received that a person in a milk cane, is carrying liquor. Consequently, said person was intercepted, who disclosed his name as Harendra Rai and from his milk cane, 40 litres country made



liquor were recovered. Subsequently, the apprehended co-accused person disclosed that near the brick kiln of co-accused Ganesh Singh, trade of illicit liquor is going on, consequently, raid was laid when two persons were found loading liquor on a WagonR car and on a motorcycle and the petitioner was apprehended, but on seeing the police, the other co-accused person managed to flee away. From the WagonR car, 210 litres of country made liquor and from the motorcycle, 30 litres of country made liquor were recovered.

From the pleading made in the petition, it appears that the petitioner is neither the owner of the alleged WagonR Car nor of the alleged motorcycle and the place of seizure also does not belong to the petitioner, statement to that effect has been made in paragraph 8 of the petition. The investigation has already been concluded and the petitioner is languishing in custody since 11.01.2020. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP submits that the petitioner was found loading liquor on a WagonR car and on a motorcycle and he was apprehended on the spot.

Considering the specific claim of the petitioner that



he is neither the owner of the alleged WagonR car nor the owner of the alleged motorcycle, investigation already being concluded, period under custody and the petitioner having no 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 the learned 2nd Additional Sessions Judge, Excise, Saran at Chapra in connection with Chapra (M) P.S. Case No. 19 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 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.10000/- (ten thousand) with two sureties including one surety given at the time of provisional bail of the like amount each to the satisfaction of learned 2nd Additional Sessions Judge, Excise, Saran at Chapra in connection with Chapra (M) P.S. Case No. 19 of 2020.

The learned Court below will be at liberty to extend



the further period of provisional bail if the lockdown is not over
in next three months.

(Dinesh Kumar Singh, J)

Amrendra/-

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