

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7693 of 2020**

Arising Out of PS. Case No.-421 Year-2019 Thana- SITAMARHI District- Sitamarhi

SUBODH KUMAR MISHRA Son of Late Manoranjan Mishra Resident of
Village - Shankarpur, P.S.- Bhargama, District - Araria

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Thakur, Advocate.

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

**CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER**

3 13-05-2020

The matter has been listed today for consideration through Video Conferencing in view of the Nationwide Lockdown on account of the Covid 19 pandemic.

The learned counsels are appearing and making submissions from their residence. The Court Master and Secretary are also part of this virtual court proceedings from their homes, all with the aid of audio visual technology.

Heard Mr. Ajay Kumar Thakur, learned counsel for the petitioner as well as Mr. Madan Kumar, learned APP for the State.

The petitioner seeks bail in Sitamarhi P. S. Case No. 421 of 2019 instituted for the offence under Sections 406, 409, 420 of the IPC and Section 48 of the Bihar Prohibition and Excise Act, 2016.

The prosecution case alleges recovery of illicit liquor to the tune of 39.570 from the Malkhana of the Police Station, for which there was neither any entry nor FIR lodged. Petitioner was posted there as SHO. The FIR alleges that liquor



was earlier abandoned by unknown persons, who fled away on seeing the patrolling party led by one Sub Inspector Mr. Pramod Kumar. The illicit liquor was seized and kept in the Malkhana by the said Pramod Kumar.

The petitioner has been held accountable alleging that though he was Station House Officer he has not taken any steps to register FIR or make entries for seizure of the illicit liquor.

Learned Counsel for the petitioner submits that even as per the prosecution case the petitioner was not having the keys of Malkhana. He was neither responsible for the seizure or keeping of the liquor in the Malkhana at the Police Station. The prosecution case acknowledges seizure and keeping of the illicit liquor by co-accused Pramod Kumar who has since been enlarged on bail in Cr. Misc. No. 58619 of 2019. The petitioner continues to be in custody since 13.1.2020 and it is submitted that he has no criminal antecedent.

The learned APP for the State opposed the prayer for bail.

Considering the rival submissions this Court is inclined to allow the petitioner's prayer for bail.

Accordingly, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/-(Ten thousand) with two sureties of the like amount each to the satisfaction of the Additional District Judge 2nd cum Special Judge Excise Act, Sitamarhi, in connection with Sitamarhi P. S. Case No. 421 of 2019 , subject to the following conditions:-

- 1) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of



the petitioner.

- 2) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

It is further made clear that during currency of the nationwide lockdown due to COVID 19 pandemic, requirement of furnishing bail bonds and conditions shall remain suspended and the petitioner be released on executing and furnishing his personal bond to the satisfaction of the court concerned.

The petitioner must comply with the requirements of furnishing bail bonds, and conditions in terms of this order within 4 weeks after normal working resumes, failing which bail granted under this order shall stand cancelled and petitioner liable for the consequences thereof in accordance with law.

Let this order be communicated, without any delay, to the court of learned Additional District Judge 2nd cum Special Judge Excise Act, Sitamarhi and the competent authority of the State in terms of clause 13 of Notice II published in the Cause list uploaded on the website of the Patna High Court.

(Madhuresh Prasad, J)

SNkumar/-

U		T	
---	--	---	--

