

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14306 of 2020**

Arising Out of PS. Case No.-351 Year-2018 Thana- BAKHARI District- Begusarai

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PRINCE MAHTO @ PRINCE KUMAR Son of Shyam Mahto Resident of
Village - Sakarpura, P.S.- Bakhari, Distt - Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ashok Kumar Mishra

For the Opposite Party/s : Mr.Parmanand Kumar

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 12-06-2020 The matter has been taken up through virtual court
proceeding.

Heard learned counsel for the petitioner and the State.

The petitioner, who is languishing in custody since
21.01.2020, has preferred the present application for grant of
bail in a case registered for the offence punishable under Section
30(a) of the Bihar Prohibition and Excise Act, 2016, as amended
by Amendment Act 8 of 2018.

The prosecution case, as per the self statement of
Sanjay Kumar, Inspector-cum-S.H.O., Bakhari Police Station,
recorded on 02.12.2018 at 10.30 A.M., is to the effect that on
the same day, a secret information was received that the
petitioner is trading in foreign liquor. Consequently, raid was
laid, but the petitioner managed to escape away from the scene



and from the fodder house of the petitioner, situated in an orchard, 70.56 litres of Indian Made Foreign Liquor were recovered.

It is submitted by learned counsel for the petitioner that recovery has been made from an open area, hence the recovery cannot be treated from the conscious physical possession of the petitioner. It is further submitted that the investigation has already been concluded. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

Learned counsel for the State submits that recover has been made from the fodder house of the petitioner.

Considering the 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 Addl. Sessions Judge, 2nd cum Special Judge, Excise Act, Begusarai in connection with Bakhari P.S. Case No. 351 of 2018.

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 Addl. Sessions Judge, 2nd cum Special Judge, Excise Act, Begusarai in connection with Bakhari P.S. Case No. 351 of 2018.

The learned Court below will be at liberty to extend the period of provisional bail further if the court proceeding in physical mode will not resume in next three months.

(Dinesh Kumar Singh, J)

Amrendra/-

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