

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.17424 of 2020**

Arising Out of PS. Case No.-33 Year-2020 Thana- KOPA District- Saran

Shambhu Mahto @ Sambhu Singh, aged about 45 years, Male, S/o Late Shiv Kumar Mahto Resident of Kopa, P.S.- Kopa, Distt- Saran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Harish Kumar, Advocate

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

**CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH**  
**ORAL JUDGMENT**

**Date : 29-05-2020**

The matter has been heard *via* video conferencing due to lockdown imposed on account of the COVID-19 pandemic.

2. Heard Mr. Harish Kumar, learned counsel for the petitioner and Mr. Abhay Kumar Roy, learned Additional Public Prosecutor (hereinafter referred to as the ‘APP’) for the State.

3. The petitioner is in custody in connection with Kopa PS Case No. 33 of 2020 dated 08.02.2020 instituted under Sections 272/273 of the Indian Penal Code and 30(a) of the Bihar Prohibition and Excise Act, 2016.

4. The allegation against the petitioner is that upon raid by the police he was caught while running away with 20 litres of *mahua* wine from the orchard of one Amir Khan.



5. Learned counsel for the petitioner submitted that the alleged place of occurrence was not the property of the petitioner and he has been caught whereas others are alleged to have run away, but if the petitioner was involved he too would have run away. It was submitted that from the conscious possession of the petitioner the alleged *mahua* wine was not recovered. Learned counsel submitted that because there was another case against the petitioner under the Excise Act, he has been implicated in the instant case also and is in custody since 09.02.2020.

6. Learned APP submitted that from the possession of the petitioner 20 litres of *mahua* wine has been recovered and he has criminal antecedent.

7. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail upon furnishing bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned 2<sup>nd</sup> Additional Sessions Judge-cum-Special Judge Excise, Saran in Kopa PS Case No. 33 of 2020, subject to the conditions (i) that one of the bailors shall be a close relative of the petitioner, (ii) that the petitioner and the bailors shall execute bond with regard to good behaviour of the petitioner, and (iii) that the petitioner shall also



give an undertaking to the Court that he shall not indulge in any criminal activity. Any violation of the terms and conditions of the bonds or the undertaking shall lead to cancellation of his bail bonds. The petitioner shall cooperate in the case and be present before the Court on each and every date. Failure to cooperate or being absent on two consecutive dates, without sufficient cause, shall also lead to cancellation of his bail bonds.

8. The application stands disposed off in the aforementioned terms.

**(Ahsanuddin Amanullah, J)**

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