

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18145 of 2020

Arising Out of PS. Case No.-11 Year-2020 Thana- SAHIYARA District- Sitamarhi

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DINESH MAHTO Son of Late Laxmi Mahto @ Laxmi Singh Resident of
Village- Shahpur Chhaurahia, P.S.- Sahiyara, District- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 13-05-2020 The present petition has been taken up for consideration through the mode of Video conferencing in view of the prevailing lock-down on account of COVID 19 Pandemic, requiring social distancing.

Heard Shri Pushpendra Kumar Singh, the learned counsel appearing for the petitioner and Shri Ashok Kumar, the learned APP appearing for the State.

The petitioner seeks regular bail in connection with Sahiyara P.S. Case No. 11 of 2020 for the offence punishable under Section 30 and 30(A) of the Bihar Prohibition and Excise Act, 2016.

The allegation is regarding recovery of 43.200 liters of illicit Nepali Saufi wine from Kirana shop of the petitioner.



The learned counsel for the petitioner has submitted that the petitioner is innocent, is having a clean antecedent and has been falsely implicated in the present case. It is further submitted that the alleged recovery of illicit Nepali Saufi wine has not been made from the conscious possession of the petitioner and since the same has been made from the shop of the petitioner, the same might be belonging to some customer. Lastly, it is submitted that the petitioner is languishing in custody since 8.2.2020.

Per contra, the learned APP appearing for the State has submitted that the petitioner is named in the FIR and there is specific allegation against him.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner as also considering the fact that the petitioner is having a clean antecedent and is languishing in custody since 8.2.2020, I deem it fit and proper to direct for release of the petitioner on bail upon him furnishing personal bond to the satisfaction of learned A.D.J.-II cum Special Judge (Excise), Sitamarhi in connection with Sahiyara P.S. Case No. 11 of 2020.

It is further directed that once the lock-down is over and normal situation is restored, the petitioner, above named,



shall furnish bail bonds of a sum of Rs. 10,000/- with two sureties of the like amount each, within a period of four weeks, to the satisfaction of learned A.D.J.-II cum Special Judge (Excise), Sitamarhi in connection with Sahiyara P.S. Case No. 11 of 2020, failing which the present privilege of bail being extended to the petitioner shall stand revoked automatically.

The present petition stands allowed.

(Mohit Kumar Shah, J)

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