

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19314 of 2020

Arising Out of PS. Case No.-82 Year-2020 Thana- SAUR BAZAR District- Saharsa

1. KUNDAN YADAV S/o Chhutaharu Yadav R/o village- Kapsiya Ward No. 11, P.S.- Sour Bazar, (Patarghat O.P.), District- Saharsa
2. Shravan Mahto @ Sharvan Mahto @ Shravan Mahato S/o Gajendra Mahato R/o village- Kapsiya Ward No. 11, P.S.- Sour Bazar, (Patarghat O.P.), District- Saharsa

... .. Petitioners

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Amarnath Jha, Advocate
For the Opposite Party/s : Mr.Brajendra Nath Pandey, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 08-06-2020 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 learned Counsel for the petitioners. Mr. Pandey, learned APP has appeared on behalf of the State.

Petitioners seek bail in Sour Bazar (Patarghat OP) PS Case No. 82 of 2020, Special (Excise) Case No. 106 of 2020 registered under Sections 272, 273 of the IPC and Section 30(a) of Bihar Prohibition and Excise Act, 2016 .

The prosecution case alleges recovery of 380 litres of illicit liquor from a vehicle. The petitioner No. 1 is said to be driver and the petitioner No. 2 was allegedly in the vehicle.

Learned Counsel for the petitioners submits that having



no criminal antecedent they are in custody since 18.2.2020. It is submitted that it is a case of false implication. There is no compliance with the procedure prescribed for recovery under the Cr.P.C. The recovered article has not been subjected to verification by any expert, whether it is an alcoholic substance or not.

Learned APP has opposed the prayer for bail.

Considering the rival submissions the prayer for bail is allowed.

Let the petitioners above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of 2nd Additional Sessions Judge -cum- Special Judge, Excise Act, Saharsa in Sour Bazar (Patarghat OP) PS Case No. 82 of 2020, Special (Excise) Case No. 106 of 2020 subject to the following conditions:-

(i) 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.

(ii) 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.

(Madhuresh Prasad, J)

SNkumar/-

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

