

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL MISCELLANEOUS No.19504 of 2020**

Arising Out of PS. Case No.-228 Year-2020 Thana- CHAPRA TOWN District- Saran

Sipahi Mahto Son of Hulsa Mahato @ Hulash Mahto Resident of Village -  
Rupganj, Adda No.-2, P.S.- Chhapra Town, Distt.- Chhapra, Saran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Arjun Prasad

For the Opposite Party/s : Mr.

**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH  
ORAL ORDER**

2      15-06-2020                      The matter has been taken up through virtual Court proceeding.

Heard learned counsel for the petitioner and  
learned APP for the State.

The present application has been preferred on  
behalf of the petitioner for grant of bail in connection with a  
case registered for the offences punishable under Sections  
30(a)/41(i)(ii) of Bihar Prohibition and Excise Act, 2016, as  
amended by Act 8 of 2018.

The prosecution case, as per the written report of  
S.I., Vijay Shankar Upadhayay, Chapra Town P.S. submitted to  
the Station House Officer, Chapra Town P.S., is to the effect that



on 16.04.2020 one persons was found running in suspicious condition and on chase being made, he was apprehended carrying two bags, who disclosed his name as Sipahi Mahto, the petitioner and from the said bags, total 50 litres of country made liquor were recovered.

It is submitted by learned counsel for the petitioner that the petitioner has falsely been framed in the present case. The petitioner is languishing in custody since 17.04.2020 and 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 APP for the State submits that the recovery has been made from conscious physical possession of the petitioner.

Considering the nature of recovery, period under custody, the investigation has already been concluded and statement being made in paragraph no.3 of the petition that the petitioner is not having any 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 2<sup>nd</sup> Additional Sessions Judge -cum- Special Judge, Excise, Saran at Chapra in



connection with Chapra Town P.S. Case No. 228 of 2020.

However, in view of the present pandemic COVID-19, it will be open for the learned Court below to accept the bail bond upon 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 the learned 2<sup>nd</sup> Additional Sessions Judge -cum- Special Judge, Excise, Saran at Chapra in connection with Chapra Town P.S. Case No. 228 of 2020.

The provisional bail of the petitioner will be confirmed after a certificate on affidavit being filed on behalf of the petitioner before the learned Court below to the effect that all the defect/s, as pointed out by the Stamp Reporter, have been removed.

The learned Court below is at liberty to further



extend the period of provisional bail if the court proceeding in  
physical mode will not resume in next three months.

**(Dinesh Kumar Singh, J)**

DKS/-

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