

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20029 of 2020

Arising out of PS. Case No.-13 Year-2020 Thana- KORMA District- Sheikhpura

Surendra Mahto @ Surander Mahto @ Surendra Prasad (Male), aged about 60 years, Son of Late Brahamdeo Mahto, Resident of Village-Murarpur, Police Station-Korma, District-Sheikhpura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nilendu Kumar Choudhary, Advocate
For the Opposite Party/s : Mr. Chandrasen Pd. Singh, APP

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL ORDER

2 03-07-2020 The matter has been heard *via* video conferencing due to circumstances prevailing on account of the COVID-19 pandemic.

2. Heard Mr. Nilendu Kumar Choudhary, learned counsel for the petitioner and Mr. Chandra Sen Prasad Singh, learned Additional Public Prosecutor (hereinafter referred to as the ‘APP’) for the State.

3. The petitioner is in custody in connection with Korma P.S. Case No. 13 of 2020 dated 25.02.2020, instituted under Sections 272 and 273 of the Indian Penal Code and Section 30(a)(d) of the Bihar Prohibition and Excise Act, 2016.

4. The allegation against the petitioner is that from the place where he was sitting 10 litres of country-made liquor,



mahua and a vessel was recovered.

5. Learned counsel for the petitioner submitted that as per the allegation, it cannot be said that liquor was recovered from the conscious possession of the petitioner. Learned counsel submitted that the petitioner has no other criminal antecedent and is in custody since 26.02.2020.

6. Learned APP submitted that the allegation is that the petitioner was manufacturing illicit liquor. However, he could not controvert the fact that only 10 litres of country-made liquor was recovered from his possession.

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 2nd Additional District and Sessions Judge, Sheikhpura in Excise Case No. 95 of 2020, Korma PS Case No. 13 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, tamper with the



evidence or influence the witnesses. 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 aforesaid terms.

(Ahsanuddin Amanullah, J)

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