

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23540 of 2020

Arising Out of PS. Case No.-181 Year-2019 Thana- BHANGWANPUR HAT District- Siwan

1. Vijay Mahto, Son of Jodha Mahto @ Ram Ayodhya Mahto, Resident of Village - Ratan Parauli, P.S. Bhagwanpur Hat, District - Siwan.
2. Deepak Mahto @ Deepak Kumar Prasad, Son of Sunil Mahto, Resident of Village - Ratan Parauli, P.S. Bhagwanpur Hat, District - Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Singh, Advocate

For the Opposite Party/s : Mr. Sanjay Kumar Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 16-09-2020 Since as of now the Courts have not resumed normal physical hearing, the matter has been listed today for consideration through video conferencing.

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 and the learned APP for the State.

The petitioners seek bail in connection with Bhagwanpur Hat P.S. Case No.181 of 2019 instituted for the offence punishable under Section 30(a)/41(1) of the Bihar



Prohibition and Excise Act, 2016.

Prosecution case alleges that the petitioners along with other co-accused had stored some illicit liquor for trading purposes. Acting on a confidential information, the police had raided the place, which led to recovery of 753.750 litres of Indian Made Foreign Liquor.

Petitioners' counsel submits that even as per the prosecution case, the recovery is from the bushes behind the *Dalan* of co-accused Santosh Kumar Singh alias Hansraj Singh. There is no recovery from the petitioners' possession. They are in custody in the instant case since 03.01.2020, on which date they have surrendered in the court below. The petitioners have one criminal antecedents. It is also submitted that the co-accused Santosh Kumar Singh alias Hansraj Singh from behind whose house recovery has been made, has been allowed bail in Cr.Misc. No.4787 of 2020, on 13.05.2020.

Learned APP for the State has opposed the prayer for bail.

Considering the rival submissions, this Court is inclined to allow petitioners' prayer for bail.

Accordingly, let both the petitioners, above named, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten



thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-II-Cum-Special Judge, Excise, Siwan, in connection with Bhagwanpur Hat P.S. Case No.181 of 2019, subject to the following conditions:

(i) That one of the bailors of each of the petitioners will be a close relative of the petitioners who will give an affidavit giving genealogy as to how he is related with the petitioners concerned. The bailors will also undertake to inform the court if there is any change in the address of the petitioners.

(ii) That the petitioners will be well represented on each date and if they fail to do so on two consecutive dates, their bail bonds will be liable to be cancelled.

This Court would expect that the petitioners' counsel would honour his undertaking in the instant proceedings regarding supply of the requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

(Madhuresh Prasad, J)

PNM

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

