

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21522 of 2020**

Arising Out of PS. Case No.-21 Year-2020 Thana- MALSALAMI District-
Patna

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Mohan Kumar @ Mohan Kumar Ray S/o Sakaldip Ray Resident of Humad
Gali, P.S.- Chowk, District- Patna.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr. Anujit Sinha, Advocate

For the State : Mr. J.K. Singh, APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

3 13-10-2020

Heard learned counsel for the petitioner and learned
APP for the State through video conference. Learned counsel for
the petitioner undertakes that all defects pointed out by the
stamp reporter shall be removed, and compliance with the
conditions of the notices of this Court with regard to acceptance
of e-filing shall be made, without delay immediately upon
resumption of normal physical functioning of the Court, and in
any event within one month thereof. Learned counsel for the
State states that he has no objection in this regard and the matter
be taken up on merits in view of the stated urgency.

2. The petitioner is in custody since 22.01.2020 in
connection with Special Case No. 755 of 2020 arising out of
Malsalami P.S. Case No. 21 of 2020 for the offences alleged under
Section 30(a) of the Bihar Prohibition and Excise (Amendment)
Act, 2018.

3. It is submitted that the petitioner has been falsely
implicated in connection with recovery of 58 litres of Mahua
wine from the road side behind the house of one Gorakh Rai. The
petitioner was implicated on being caught while fleeing away and



disclosing his name as Mohan Kumar. No recovery has been made from the conscious possession of the petitioner. The petitioner has already suffered nine months in custody and claims clean antecedents.

4. Learned APP appears and has been heard.

5. Be that as it may and having regard to the period of custody already suffered since 22.01.2020, let the petitioner above named be released on bail on furnishing bail bond of Rs.10,000/-(ten thousand) with two sureties of like amount each to the satisfaction of learned Special Judge, Excise Act, Patna, in connection with Special Case No. 755 of 2020 arising out of Malsalami P.S. Case No. 21 of 2020, if he is not otherwise required in any other case.

6. Office shall follow-up to ensure that all defects are removed and compliance with the notices of this Court are made by the petitioner within the stipulated time provided in para-1 hereinabove, failing which the matter shall be brought to the notice of this Court.

(Vikash Jain, J)

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