

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21860 of 2020

Arising Out of PS. Case No.-18 Year-2019 Thana- MAKER District- Saran

LAL SAH, aged about 40 years (M), Son of late Yogendra Sah, Resident of Village - Kishunpur, P.S.- Bheldi, Distt.- Saran (Chapra).

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr.Sachida Nand Rai, Advocate.
For the Opposite Party : Mr. Uday PratapSingh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 08-07-2020 Due to COVID-19 Pandemic, the matter is being taken up by way of virtual Court proceeding.

The matter has been listed under the heading ‘For Orders’ under the orders of Hon’ble the Chief Justice.

Learned counsel for the petitioner is directed to remove the defects, as pointed out by the office, within a period of four weeks from the date of lifting of the lockdown in the State of Bihar.

Heard learned counsel for the petitioner and learned A.P.P. for the State.

The petitioner seeks bail in a case for the offence registered under Sections 272, 273 of the I.P.C. and 30(a) of the Bihar Prohibition and Excise Act, 2016.

The prosecution story, in brief, is that total 800 liters



spirit is said to have been recovered from the Pick-up Van in question.

It has been submitted by learned counsel for the petitioner that the petitioner is in custody since 20.02.2020. The petitioner has falsely been implicated in the present case. Charge sheet/prosecution report has been submitted in the present case. There is no allegation of tampering with the witnesses alleged against the petitioner. It is alleged that total 800 liters spirit is recovered from the Pick-up Van in question. The Pick-up Van in question does not belong to the petitioner. The name of the petitioner has transpired in the present case on the basis of disclosure made by the co-accused Bhupendra Mahto. Except for this, there is no substantive evidence to suggest the implication of the petitioner in the present case. There is no compliance of Section 100 of Cr. P.C.

On behalf of the learned counsel for the State, it has been submitted that the petitioner is named in the F.I.R./ complaint case.

Considering the facts and circumstances of the case and also the lockdown, the petitioner above named, is directed to be released on bail on his personal bond to the satisfaction of the learned 2nd Additional Sessions Judge-cum-Special Judge,



Excise, Chapra, Saran, in connection with Maker P.S. Case No.
18 of 2019.

Once the normalcy is restored, the petitioner shall
furnish bail bonds of Rs. 10,000/-(Rupees Ten Thousand) with
two sureties of the like amount each within a period of four
weeks to the satisfaction of the court concerned in connection
with the aforesaid case.

(Sudhir Singh, J)

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