

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21067 of 2020

Arising Out of PS. Case No.-256 Year-2019 Thana- ISUAPUR District- Saran

Hareram Mahto Son of Heera Mahto Resident of Village - Dokia, P.S.-
Isuapur, Distt.- Saran at Chapra.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dewendra Narayan Singh, Advocate
For the Opposite Party/s : Mr.J.N. Thakur, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 13-08-2020 The Court proceeding has been conducted through
virtual mode.

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

Since the physical court proceeding is non-functional,
due to present pandemic, COVID-19, the matter is listed with
defects.

Learned counsel for the petitioner undertakes to
remove the defects within three weeks of resumption of physical
court proceeding. In the eventuality of non-removal of defects
within undertaken period, the office will place the matter before
the bench.

The petitioner has renewed the prayer for bail in a
case registered for the offences punishable under Sections 272,



273 of the Indian Penal Code and Section 30(a) of Bihar Prohibition and Excise Act, 2016, as amended by Act 8 of 2018.

The prosecution case as per the self recorded statement of S.I., Ashok Kumar Das, SHO of Isuapur P.S. on 14.12.2019 at 10.00 P.M., is to the effect that on the same day at 7.00 P.M. during evening patrolling a secret information was received that the petitioner, Hareram Mahto had stored huge quantity of spirit. On raid being laid, 1470 litres of spirit kept in the drums were seized from the embankment of the pond and the petitioner was apprehended.

It is submitted by learned counsel for the petitioner that earlier petitioner moved before this Court vide Cr. Misc. No. 5626 of 2020 with a prayer for bail but the same was disposed of vide order dated 14.05.2020, as contained in Annexure-1. Since the petitioner did not make correct statement with regard to criminal antecedent in paragraph 3 of the earlier petition, hence, the application was disposed of with liberty to renew prayer for bail after taking proper instruction. Accordingly, the present application has been preferred by the petitioner. The petitioner is accused in two other cases though not registered under the Excise Act but due to lack of proper



instruction, the same was not mentioned in the earlier petition. Admittedly, the recovery has been made from the embankment of the pond which cannot be treated from the possession of the petitioner. The petitioner is not an accused in any case registered under Excise Act and investigation has already been concluded. The petitioner is languishing in custody since 15.12.2019.

Learned APP for the State submits that on secret information that the petitioner had stored spirit, the spirit was seized, however, it was recovered from the embankment of the pond.

Considering the fact that the recovery has been made from an open area and the period under custody, 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 IInd Additional Sessions Judge -cum- Special Judge, Excise, Saran at Chapra in connection with Isuapur P.S. Case No. 256 of 2019.

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 IInd Additional Sessions Judge -cum- Special Judge, Excise, Saran at Chapra in connection with Isuapur P.S. Case No. 256 of 2019.

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.

Accordingly, the application stands disposed of.

(Dinesh Kumar Singh, J)

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