

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26366 of 2020

Arising Out of PS. Case No.-64 Year-2020 Thana- BAIKUNTHPUR District- Gopalganj

KAMLESH MAHTO Son of Ramanand Mahato Resident of Village - Sirsa
Purana Tola, P.S.- Baikunthpur, District - Gopalganj

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Satyendra Rai

For the Opposite Party/s : Mr. Yogendra Kr. Singh

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 13-10-2020

The present petition has been taken up for consideration through the mode of Video Conferencing in view of the prevailing situation on account of COVID-19 Pandemic.

Heard the learned counsel for the petitioner and Sri Yogendra Kr. Singh, the learned APP for the State.

The petitioner seeks regular bail in connection with Baikunthpur PS case no. 64 of 2020 instituted for the offences punishable under Sections 272, 273/34 of Indian Penal Code and 30(a) of Bihar Prohibition and Excise Act, 2016.

The allegation is regarding the police having received information that one Ashraf Mian had kept a huge quantity of wine and was engaging in selling of the same, whereupon the informant along with police force had reached at village- Sirsa at the house of said Ashraf Mian and upon seeing



the police, though the said Ashraf Mian had managed to flee away but the petitioner was caught and upon search being made, 9.800 liters of illicit wine was recovered from the house of said Ashraf Mian and 35 liters of illicit wine was recovered from a Hero motorcycle.

The learned counsel for the petitioner has submitted that the petitioner is innocent, has been falsely implicated in the present case, is having a clean antecedent and is languishing in custody since 08.03.2020. It is further submitted that no recovery has been made either from the conscious possession of the petitioner or from his house, hence the petitioner is liable to be granted the privilege of bail.

Per contra, the learned A.P.P. for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the period of incarceration of the petitioner herein as also the fact that no recovery of illicit liquor has been made either from the conscious possession of the petitioner or from his house, the abovenamed petitioner is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) with



two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge-2nd-cum-Special Judge, Excise, Gopalganj in connection with Baikunthpur PS case no. 64 of 2020.

(Mohit Kumar Shah, J)

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