

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25834 of 2020

Arising Out of PS. Case No.-324 Year-2020 Thana- CHAPRA TOWN District- Saran

1. SHARDA DEVI Wife of Madan Mahto Resident of Mohalla- Rupgunj, P.S.- Chapratown, District- Saran.
2. Tejbali Kumar Son of Late Lalan Mahto Resident of Mohalla- Rupgunj, P.S.- Chapratown, District- Saran

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Brajesh Kumar Singh

For the Opposite Party/s : Mr.Amitesh Kumar (APP)

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 14-10-2020 Heard Mr. Brajesh Kumar Singh, learned counsel for the petitioner and Mr. Amitesh Kumar, learned Additional Public Prosecutor appearing for the State of Bihar.

This application for grant of regular bail arises out of Chapra Town P.S. Case No. 324 of 2020, registered for the offence punishable under Sections 272, 273/34 of the Indian Penal Code and Sections 30(a)/41(i)(ii) of the Bihar Prohibition and Excise Act, 2018.

It is alleged in the F.I.R. that from the possession of these petitioners, police recovered fifty liters of country made wine. The recovery was made from behind the house of these petitioners.



It has been submitted on behalf of the petitioners that they have no criminal antecedent and that they are in custody since 07.06.2020. It has also been submitted that the recovery cannot be said to have been made from conscious possession of the petitioners, as admittedly, the same was done from a place behind their house.

Considering the above submission and the fact that the petitioners have no criminal antecedent, who are in custody since 07.06.2020, this application is allowed.

Let the petitioners, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned 2nd Additional Session Judge-cum-Special Judge Excise, Saran in connection with Chapra Town P.S. Case No. 324 of 2020.

It is indicated that defect, if any, shall be removed within two months.

Since COVID-19 Pandemic situation is prevailing, the Court has considered it appropriate to adopt following procedure for communication of the present order:-

(i) The order, which has been dictated during the course of the proceedings of virtual Court, shall be



communicated to me on my e-mail I.D. by the Secretary.

(ii) The corrected copy of the order shall be transmitted by me from my e-mail I.D. to the Secretary, which shall be treated to be the authentic copy of the order passed by this Court today in the present proceeding.

(iii) Hard copy of the order, duly signed by me, shall be preserved in my residential office for documentation and future use, if any.

(iv) Let a copy of the order be communicated to the learned court below through e-mail or any other appropriate electronic mode by the Registry.

Let steps be taken by the Registry for uploading of the present order without compromising with the norms of social-distancing.

(Chakradhari Sharan Singh, J)

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