

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23480 of 2020

Arising Out of PS. Case No.-322 Year-2019 Thana- BOCHAHAN District- Muzaffarpur

Pawan Mahto @ Pawan Kumar, Son of Bhagynarayan Mahto, Resident of
Village - Gopalpur Gopal, P.S.- Bochahan, District - Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shiva Shankar Sharma, Advocate

For the Opposite Party/s : Mr. Binod Kumar-3, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 14-09-2020 Since as of now the Courts have not resumed normal physical hearing, the matter has been listed today for consideration through video conferencing.

The learned counsels are appearing and making submissions from their residence. The Court Master and Secretary are also part of this virtual Court proceedings from their homes, all with the aid of audio visual technology.

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

The petitioner seeks bail in connection with Bochahan P.S. Case No.322 of 2019 registered for the offence punishable under Sections 272, 273, 120B of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act.

On a secret information that the petitioner along with



co-accused Ram Chandra Thakur had stored illicit wine for trade of the same, the house of Ram Chandra Thakur was raided, leading to recovery of 187.2 litres of Indian Made Foreign Liquor.

Petitioner's counsel submits that even as per the prosecution case, the recovery was from the house of the co-accused Ram Chandra Thakur. The petitioner was not present there nor has any recovery been made from him. He has been remanded in this case from Bochhan P.S. Case No.112 of 2020. He is in custody since 19.06.2020.

Learned APP for the State has opposed the prayer for bail.

Considering the rival submissions, this Court is inclined to allow the petitioner's prayer for bail.

Accordingly, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise Act, Muzaffarpur, in connection with Bochahan P.S. Case No.322 of 2019, subject to the following conditions:

- (i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is



related with the petitioner. The bailor will also undertake to inform the court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

This Court would expect that the petitioner's counsel would honour his undertaking in the instant proceedings regarding supply of the requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

(Madhuresh Prasad, J)

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