

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 29071 of 2020**

Arising Out of PS. Case No.-13 Year-2020 Thana- PATEPUR District- Vaishali

BIKRAM KUMAR MAHTO @ VIKRAM KUMAR @ BENGURU S/o Late
Shankar Mahto @ Shivjee Choudhary Resident of Village-Hasanpur
Deshkurwa @ Rupan Patti, P.S-Baligaon, District-Vaishali.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr Rajeev Ranjan, Advocate

For the Opposite Party/s : Mr Uma Shankar Prasad Singh, APP

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

2 11-11-2020 As of now, the Courts have not resumed normal physical hearing. The matter has been listed today for consideration through Video Conferencing.

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

Heard learned counsel for the petitioner.

Mr Uma Shankar Prasad Singh, APP is appearing as it is submitted that the brief has been allotted to him by the Office of Advocate General.

The petitioner seeks bail in Patepur Police Station (for brevity, PS) Case No 13 of 2020 instituted for the offence



punishable under Section 30 (a) of Bihar Prohibition and Excise Act.

17.640 liters of Indian Made Foreign Liquor is alleged to have been recovered from a motorcycle.

Learned counsel for the petitioner denies and disputes the recovery. It is submitted that falsity of the allegation is evident from non-compliance of the mandatory provision of seizure prescribed in the Criminal Procedure Code. The petitioner is in custody since 05.02.2020. It is further submitted that the implication is due to dirty local politics. The petitioner is on bail in the three pending cases, as per details contained in paragraph 3 of the bail application.

The learned APP for the State has opposed the prayer for bail.

Considering the rival submissions, prayer for bail is allowed. Let the petitioner, above named, be released on bail on his furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Additional Sessions Judge II -cum- Special Judge, Vaishali at Hajipur in Patepur PS Case No 13 of 2020 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.

Learned counsel for the petitioner is expected to honour his undertaking given in the instant proceedings today for depositing requisite Court fee and removing the defect (s), as pointed out, when called upon to do so.

(Madhuresh Prasad, J)

M.E.H./-

U		T	
---	--	---	--

