

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25517 of 2020

Arising Out of PS. Case No.-453 Year-2019 Thana- MADHUBANI TOWN District-
Madhubani

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Mithun Mahto @ Mithun Kumar, Son of Ram Lakhan Mahto, Resident of
Village- Ragho Nagar Bhauwara Ward No.28, P.S. and District- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ratanakar Jha, Advocate
For the Opposite Party/s : Mr. Surendra Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 28-09-2020 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
Madhubani Town P.S. Case No.453 of 2019 corresponding to
G.R. No.2298 of 2019 registered for the offence punishable
under Sections 272, 273 of the Indian Penal Code and Section



30(a) of the Bihar Prohibition and Excise Act, 2016.

81 litres country-made liquor has allegedly been recovered from the house of the petitioner.

It is submitted by the petitioner's counsel that having no criminal antecedents, the petitioner has falsely been implicated in this case and is in custody since 31.01.2020. Recovery was in his absence and in gross contravention of the prescribed procedure under Section 100 Cr.P.C.

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 Additional Sessions Judge-II-Cum-Special Judge, Excise Act, Madhubani, in connection with Madhubani Town P.S. Case No.453 of 2019, corresponding to G.R. No.2298 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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