

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 29089 of 2020**

Arising Out of PS. Case No.-414 Year-2020 Thana- CHAPRA TOWN District- Saran

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DILIP MAHTO Son of Late Lal Babu Mahto Resident of Village - Muhauahi,
Roopganj, P.S.- Chapra Town, District - Saran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr Alok Kumar Alok, Advocate

For the Opposite Party/s : Mr Ajay Kr II, APP

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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 Ajay Kr II, 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 Chapra Nagar Police Station (for brevity, PS) Case No 414 of 2020 instituted for the



offence punishable under Section 30 (a), 41 (i) (ii) of Bihar Prohibition and Excise Act, 2016.

Near the house of co-accused Sidheshwar Rai, 881.98 liters of illicit liquor has been recovered from the two vehicles. The first information report thereafter states that the petitioner, along with other co-accused persons, was indulging in trade of illicit liquor where the consignment has been received.

It is submitted by the learned counsel for the petitioner that without any basis, the petitioner's name has been stated. He has no criminal antecedent and is in custody since 07.08.2020. There is no recovery of any illicit liquor from his possession.

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, Excise Act, Saran at Chapra in Chapra Nagar PS Case No 414 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)

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