

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25460 of 2020

Arising Out of PS. Case No.-54 Year-2020 Thana- BARAULI District- Gopalganj

UPENDRA MAHTO S/o Parma Mahto @ Parma Mahato Resident of Village-
Rupanchap, P.S.-Barauli, District-Gopalganj.

... .. Petitioner.

Versus

The State of Bihar

... .. Opposite Party.

Appearance :

For the Petitioner	:	Mr. Bimilesh Kumar Pandey, Advocate. Mr. Prateek Tandon, Advocate.
For the State	:	Mr. Mritunjay Kumar Nirala, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL ORDER

2 21-10-2020 In view of the submission and undertaking of the learned counsel for the petitioner, at the time of hearing of this application, through Video Conferencing, that he would remove the defect(s), as pointed out by the office vide its notes dated 21.09.2020, within two weeks of starting of the Court proceeding in physical mode, he is permitted to remove the same accordingly.

Heard learned counsel for the petitioner and the learned A.P.P. for the State, through Video Conferencing.

The petitioner apprehends his arrest in connection with Barauli P.S. Case No.54 of 2020 registered under Section 30(a) of the Bihar Prohibition and Excise Amendment Act, 2018.



The accusation is that in course of patrolling duty, the informant and other police personnel received information about keeping of the liquor in huge quantity by Upendra Mahto (petitioner) near his Bathan in the field of Vijay Pratap Singh in village-Rupanchap and selling the same by him, the informant and other police personnel reached there. On seeing the police vehicle, one person started to flee away from there. While he was chased but he succeeded to flee away. The villagers gathered there disclosed the name of that person as Upendra Mahto (petitioner). On search of the field of Vijay Pratap Singh, situated near the Bathan of Upendra Mahto (petitioner), 126 bottles, each containing 180 ml., Indian Made Foreign Liquor, were recovered.

Learned counsel for the petitioner submits that the petitioner has no criminal antecedent and has falsely been implicated in this case due to dirty village politics. Further submission that it would appear from the F.I.R. that the alleged recovery was not made from the Bathan of the petitioner rather the same is said to be made from the field of Vijay Pratap Singh.

Having considered the facts and the circumstances of the case, let the petitioner, above named, in the event of his arrest or surrender by him within six weeks from today, be



enlarged on bail on his furnishing bail bond of Rs.10,000/-
(Rupees Ten Thousand) with two sureties of the like amount
each to the satisfaction of the 2nd Additional Sessions Judge-
cum-Special Judge, Excise, Gopalganj, in connection with,
Barauli P.S. Case No.54 of 2020, subject to the conditions laid
down under Section 438(2) Cr.P.C.

(Rajendra Kumar Mishra, J)

P.S./-

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