

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30080 of 2020

Arising Out of PS. Case No.-281 Year-2020 Thana- GOVERNMENT OFFICIAL COMP.
District- Sitamarhi

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BINOD MAHTO Son of Late Suman Mahto Resident of Village- Malahi
Math, Ward No.-01, P.S. Majorganj, District- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Virendra Kumar, Advocate
For the Opposite Party/s : Mr. Jitendra Kumar Singh, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 24-11-2020 Heard Mr. Virendra Kumar, learned counsel for the

petitioner and Mr. Jitendra Kumar Singh, learned Additional

Public Prosecutor appearing for the State through video

conferencing.

Petitioner seeks regular bail in connection with Case
No. C2/281 of 2020 registered for the offence punishable under
Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

The allegation as per the First Information Report is
that the Police recovered a total quantity of 109.500 litres of
illicit *Nepali Saufi* from possession of the petitioner.

Learned counsel for the petitioner submits that the
petitioner has not committed any offence in the manner alleged
and at the time of search and seizure, the procedure prescribed



under Section 100 Cr. P.C. has not been followed by the Seizing Authority. Learned counsel further submits that the petitioner has got no criminal antecedent and he is in custody since 07.08.2020.

Having heard learned counsel for the parties and taking into consideration the materials on record and the fact that the petitioner has got no criminal antecedent and he is in custody since 07.08.2020, I am inclined to grant regular bail to the petitioner.

Accordingly, let the petitioner, above named, be released on regular bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned A.D.J. II cum Special Judge, Excise Act, Sitamarhi, in connection with Case No. C2/281 of 2020 subject to the condition that the petitioner shall not commit any offence of similar nature in future.

It is made clear that at the time of furnishing bail bonds all the parties shall follow the guidelines regarding social distancing.

(Anil Kumar Sinha, J)

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