

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59222 of 2019

Arising Out of PS. Case No.-357 Year-2019 Thana- CHAPRA TOWN District- Saran

1. Awadh Mahto @ Awagh Mahato Son of Late Ram Chela Mahto Resident of Village - Sahebganj Butanbari, P.S.- Chapra Town, Dist.- Saran.
2. Sumitra Devi W/o Late Ram Chela Mahto Resident of Village - Sahebganj BResident of Village - Sahebganj Butanbari, P.S.- Chapra Town,
3. Daulatiya Devi Wife of awadh Mahto Resident of Village - Sahebganj Butanbari, P.S.- Chapra Town, Dist.- Saran.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Harish Kumar

For the Opposite Party/s : Mr.Yogendra Kumar Singh

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

5 29-06-2020 The matter has been taken up through virtual Court proceeding.

Heard learned counsel for the petitioners and learned counsel for the State.

The petitioners are apprehending their arrest in a case registered for the offences punishable under Sections 30(a) and 41(i)(ii) of the Bihar Prohibition and Excise Act, 2016, as amended by Amendment Act 8 of 2018.

The prosecution case, as per the written report of S.I. Jyoti Kumari, Chapra Town Police Station submitted to the SHO, Chapra Town Police Station, is to the effect that on 28.06.2019



during raid against trafficking of illicit liquor, a confidential information was received that the petitioners and others have stored country made liquor. Consequently, raid was laid and on search, 30 liters of country made liquor were recovered from behind the shop of the petitioner no.1.

It is submitted by learned counsel for the petitioners that the recovery has been made from an open area kept under the heap of sand. Statement has been made in paragraph 3 of the petition that the petitioners are not having any criminal antecedent.

Learned APP submits that the recovery has been made from the place near the shop of the petitioners.

Considering the fact that recovery has been made from an open area and statement made in paragraph 3 of the petition that the petitioners are not having any criminal antecedent, let the petitioners above named, in the event of arrest or surrender within a period of six weeks, be released on bail, for the present, provisionally for a period of three months on furnishing one surety each to the satisfaction of the learned ADJ-XI, Saran at Chapra in connection with Chapra Town P.S. Case No.357 of 2019, subject to the conditions under Sections 438(2) of the Cr.P.C.



However, in view of the present pandemic COVID-19, it will be open for the learned Court below to accept the bail bond on furnishing an undertaking by the surety, on photo copy of his Aadhar Card to the effect that they are ready to become the bailors of the petitioners which may be transmitted by such surety to the learned Court concerned through e-Mode.

The provisional bail of the petitioners will be confirmed by the learned Court below within three months on furnishing bail bond of Rs.10000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned ADJ-XI, Saran at Chapra including one surety given at the time of provisional bail.

The learned Court below will be at liberty to further extend the period of provisional anticipatory bail if the Court proceeding in physical mode will not resume in next three months.

(Dinesh Kumar Singh, J)

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