

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.491 of 2020**

Arising Out of PS. Case No.-157 Year-2019 Thana- HASANPUR District- Samastipur

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MUNNA MAHTO @ JITENDRA @ JITENDAR Son of Ramnandan Mahto
Resident of Village- Malhipur, P.S.- Hasanpur, District- Samastipur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ranjit Kumar Yadav
For the Opposite Party/s : Mr.Ajay Kumar No. 2

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER**

4 13-05-2020 Heard.

The proceeding has been conducted through video conferencing.

The petitioner has preferred the present application for grant of bail in a case registered for the offences punishable under Section 30(a) of Bihar Prohibition and Excise Act, 2016 as amended by Act 8 of 2018 as he is languishing in custody since 7.12.2019.

The prosecution case, as per the self statement of SI Chandrakant Gauri, SHO, Hasanpur Police Station recorded on 19.7.2019 at 10.15 P.M. near Bihar Gramin Bank, Hasanpur, is to the effect that on the same day the informant while doing patrolling duty, received a secret information at 8.30 P.M. that the petitioner and co-accused Md. Sultan have brought liquor



through a pickup van and the same is being unloaded. Consequently, the informant reached at the spot, when others managed to escape but one Deepak Sah was apprehended. The apprehended accused Deepak disclosed the name of the petitioner and co-accused Md. Sultan. However, he failed to disclose the name of the driver of the pickup van. It is alleged that from the pick up van, 1455.84 litres Indian made foreign liquor were recovered. One motorcycle was also found parked near the pickup van. The apprehended accused also disclosed that the liquor was brought at the behest of the petitioner and co-accused Md. Sultan.

It is submitted by learned counsel for the petitioner that the petitioner was not apprehended at the spot and the recovery was made from the pick up van. It is further submitted that petitioner is accused in one other case of similar nature.

Learned APP submits that the petitioner managed to escape from the scene on arrival of the police and the apprehended accused disclosed that the liquor was brought at the behest of the petitioner. However, the investigation has already been concluded.

Considering the fact that the petitioner was not apprehended from the spot and his name sprang up in the



statement of co-accused, the materials on record do not suggest that the recovery was made from the conscious physical possession of the petitioner or the fact that the vehicles in question have been found registered in the name of the petitioner, moreover, co-accused Deepak Sah on whose statement name of the petitioner sprang up, has been granted bail by a co-ordinate bench of this Court vide order dated 26.9.2019 passed in Cr. Misc. No.58984 of 2019 and the fact that the investigation has already been concluded coupled with the period in custody, let the petitioner above named be released on bail for the present provisionally for a period of three months on furnishing one surety to the satisfaction of the learned 2nd Addl. Sessions Judge-cum-Special Judge, Excise, Samastipur in connection with Hasanpur P.S. Case No.157 of 2019.

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 bailor, on photo copy of his Adhar Card to the effect that he is ready to become the bailor of the petitioner which may be transmitted by such surety to the learned Court concerned through e-mode.

The provisional bail of the petitioner will be



confirmed by the learned Court below within three months on furnishing bail bond of Rs.10000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned 2nd Addl. Sessions Judge-cum-Special Judge, Excise, Samastipur in connection with Hasanpur P.S. Case No.157 of 2019 including one surety given at the time of provisional bail.

Since the petitioner is accused in one similar case, the learned Court below will be at liberty to cancel the bail bonds if the petitioner gets substantially involved in similar nature of offence.

The learned Court below will further be at liberty to extend the period of provisional bail further if the lockdown is not over in three months.

(Dinesh Kumar Singh, J)

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