

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39408 of 2020

Arising Out of PS. Case No.-212 Year-2020 Thana- PARWALPUR District- Nalanda

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PRAKASH MAHTO @ PREM PRAKASH @ PRAKASH Son of Late
Kalikanand Mahto @ Kalikanand Singh Resident of Village - Parwalpur, P.S.-
Parwalpur, District - Nalanda.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr. Anil Kumar Singh, Advocate

For the Opposite Party/s : Ms. Pushpa Sinha, APP

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 11-02-2021 Learned Counsel for the petitioner at the outset submits
that due to typographical error G.R. Case number has been typed
as 3137/2020 instead of correct number i.e. 4137/2020.

Let the same be corrected accordingly.

Heard learned Counsel for the petitioner and the learned
Counsel for the State.

This Court would expect that the petitioner's Counsel would
honour his undertaking in the instant proceedings regarding supply of
requisite court fee etc. within two weeks from the date he is called
upon to do so by the office.

Petitioner seeks bail in Parwalpur PS Case No. 212 of 2020
registered under Section 30(a) of Bihar Prohibition and Excise
Act, 2016.

The allegation is that there is recovery of liquor from co-
accused Santu Singh and he has stated that he was supplying liquor
to the instant petitioner and others.

Learned Counsel for the petitioner submits that the petitioner
is in custody on basis of such statement which has got no evidentiary
value. The petitioner is on bail in the earlier case pending against him



and in this case he is in custody since 31.8.2020.

Learned APP has opposed the prayer for bail.

Considering the rival submissions as also the facts and circumstances of the case, prayer for bail of the petitioner is allowed.

Let the petitioner above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of 3rd Additional Sessions Judge -cum- Special Judge, Excise, Nalanda at Biharsharif in Parwalpur PS Case No. 212 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.

(Madhuresh Prasad, J)

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