

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.769 of 2021

Arising Out of PS. Case No.-41 Year-2019 Thana- SIMRA District- West Champaran

GAUTAM URAON Son of Bauk Uraon Resdient of Village- Semarahani,
P.S- Samara, Distt- West Chamapran.

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Ashok Kumar Gupta, Advocate

For the Respondent/s : Mr Zeyaul Hoda, APP.

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

4 06-07-2021

I.A. No. 1 of 2021

The instant interlocutory application has been filed for condoning the delay in filing of the instant appeal filed under section 374(2) and 389(1) of the Cr.P.C.

Having heard learned counsel for the parties and on going through the contents of the interlocutory application, the Court is satisfied that the appellant has made out a case for condonation of delay of about 211 days in filing of the appeal.

The delay is condoned.

The interlocutory application stands allowed.

Cr. Appeal (SJ) No. 769 of 2021

The sole appellant has preferred the instant appeal against the judgment of conviction dated 17.3.2020 and order of sentence dated 20.3.2020 passed in Trial No.1797 of 2019 whereby the appellant was convicted under section 30(a) of the Bihar Prohibition and Excise Act, 2016 and sentenced to S.I for 5 years and to pay a fine of



Rs. 1 lac. It was further directed that in case of default in payment of fine, the appellant would further undergo a sentence of 6 months.

Having heard learned counsel for the appellant and learned A.P.P. for the State and taking into consideration the appellant having remained in custody since 27.5.2019 i.e. for a period of 2 years 1 month against the sentence of 5 years S.I., the Court is inclined to enlarge the appellant on bail. The appellant is directed to be enlarged on bail during pendency of the appeal in connection with Trial No. 1797 of 2019 (arising out of Semara P.S. Case No. 41 of 2019) on furnishing bail bond of Rs.20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of the learned 5th Additional Sessions Judge - cum – Special Judge, Excise, Bettiah, West Champaran.

The order of payment of fine shall remain stayed during pendency of this appeal.

(Partha Sarthy, J)

Spd/-

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