

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7308 of 2021

Arising Out of PS. Case No.-336 Year-2020 Thana- ROSERA District- Samastipur

SANT KISHOR RAJ SON OF RAJ KUMAR MAHTO R/O VILLAGE-
BATHA, P.O.- UDAIPUR, P.S.- ROSERA, DISTRICT- SAMASTIPUR.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Jagdhar Prasad, Advocate

For the Opposite Party/s : Mr. Brajendra Nath Pandey, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 25-06-2021

In view of sudden surge of COVID – 19 infection there is limited functioning of the High Court and therefore the matter has been listed for consideration through virtual mode.

Heard learned Counsel for the petitioner and the learned APP 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 Rosera PS Case No. 336 of 2020 registered under Sections 272, 273 of the IPC and Sections 30(a) of Bihar Prohibition and Excise Act, 2016 .

105 Liters country made mahua wine has been recovered from a container in the field from which the petitioner was said to be fleeing away.

Submission is of false implication. The petitioner is in custody since 24.10.2020 and recovery is from a field which is accessible to the public at large and cannot be attributed to the petitioner. He is on bail in the other case pending against him as per



details in para 3 of the bail application. The petitioner is in custody since 24.10.2020.

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 2nd Additional Sessions Judge -cum- Special Judge, Excise, Samastipur in Rosera PS Case No. 336 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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