

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7242 of 2021

Arising Out of PS. Case No.-379 Year-2020 Thana- SITAMARHI District- Sitamarhi

Shankar Kumar S/o Bhikhari Mahto, R/o Vishwanathpur, P.S. - Dumra, Distt.
- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Jha, Advocate

For the Opposite Party/s : Mr. Arvind Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 24-06-2021 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 Sitamarhi P.S. Case No. 379 of 2020 registered for offence punishable under sections 272, 273 of the Indian Penal Code and section 30 (a) of the Bihar Prohibition and Excise Act.

Four jute sacks were allegedly being carried on a



motor cycle. The rider tried to flee away but has been apprehended. The petitioner is alleged to be riding on the motor cycle from which total 122 litres and 700 ml. Nepali Saufi wine has been recovered.

Petitioner's counsel submits that while the petitioner was on the road commuting between two places he has been implicated in this case, though he has no concern with the recovered substance. He is in custody since 22.07.2020 and has no criminal antecedent. There is no forensic opinion to suggest that recovered substance was intoxicant.

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 learned Additional District and Sessions Judge II-cum-Special Judge (Excise), Sitamarhi in Sitamarhi P.S. Case No. 379 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 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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