

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7233 of 2021

Arising Out of PS. Case No.-201 Year-2020 Thana- GOVERNMENT OFFICIAL COMP.
District- Purnia

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Kishor Mahato S/o- Ghola Mahato @ Ghaula Mahato, R/o- Farsara Ward
No.16, P.S.- Dalkola, District- Uttar Dinajpur (West Bengal).

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Md Fazle Karim, Advocate
For the Opposite Party/s : Asha Devi, APP

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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 Purnea Excise C1-Case No.201
of 2020 registered for offence punishable under section 30 (a) of
the Bihar Prohibition and Excise Act, 2016.

Petitioner is alleged to be driver of the vehicle in



question from which 1539.360 litres illicit liquor has been recovered, having no criminal antecedent.

It is submitted by the petitioner's counsel that the petitioner is in custody since 19.11.2020. He has become a victim of circumstances, as he was lending his professional services as driver oblivious of the contents, which even as per the prosecution case, was concealed beneath husk.

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 Special Judge (Excise), Purnea in Purnea Excise C1-Case No.201 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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