

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9212 of 2021

Arising Out of PS. Case No.-72 Year-2020 Thana- GOVERNMENT OFFICIAL COMP.
District- Sitamarhi

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1. SHANKAR MAHTO Son of Pachchu Mahto Resident of Village - Awapur, ward No.2 P.s.- Pupri, Dist.t- Sitamarhi.
 2. KAMLESH PASWAN not given Resident of Village - Awapur, ward No.3 P.s.- Pupri, Dist.t- Sitamarhi.

... .. Petitioners.

Versus

The State of Bihar

... .. Opposite Party.

Appearance :

For the Petitioners	:	Mr. Virendra Kumar, Advocate.
For the State	:	Mr. Prem Kumar Jha, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

2 22-07-2021 As prayed for, through Video Conferencing, let the learned counsel for the petitioners remove the defect(s), as pointed out by the office vide its notes dated 28.01.2021, within four weeks of starting of the Court proceeding in physical mode in normal course.

At the very outset, learned counsel for the petitioners, through Video Conferencing, submits that the petitioner no.1, namely, Shankar Mahto, has already been arrested by the police in this case and, as such, this application, in respect of the petitioner no.1, namely, Shankar Mahto, to grant him the privilege of pre-arrest bail has become infructuous and seeks permission to withdraw this application in respect of the



petitioner no.1, namely, Shankar Mahto.

Permission is accorded.

This application in respect of the petitioner no.1, namely, Shankar Mahto, is dismissed as withdrawn.

Now, only the prayer of the petitioner no.2, namely, Kamlesh Paswan, to grant him the privilege of pre-arrest bail is being considered, through Video Conferencing.

Heard learned counsel for the petitioner no.2, namely, Kamlesh Paswan, and the learned A.P.P. for the State, through Video Conferencing.

The petitioner no.2, namely, Kamlesh Paswan, apprehends his arrest in connection with GO Case No.72 of 2020 registered under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

The accusation is that when the informant being the Inspector of Excise Department along with other officials visited at the field of Sabzi Mandi Awapur, then two persons started to flee away. While they were chased but they succeeded to flee away. On search, from a sack, 75 pouches each containing 300 ml. Nepali Safi in the volume of 22.5 liters, were recovered. The persons present their disclosed the name of the persons, who succeeded to flee away, as Shankar Mahto and



Kamlesh Paswan (petitioner no.2).

Learned counsel for the petitioner no.2, namely, Kamlesh Paswan, submits that the petitioner no.2, namely, Kamlesh Paswan, has no criminal antecedent and he has falsely been implicated in this case due to dirty village politics.

Having considered the facts and the circumstances of the case, let the petitioner no.2, namely, Kamlesh Paswan, in the event of his arrest or surrender by him within six weeks from today, be enlarged on bail on his furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the Additional Sessions Judge-II-cum-Special Judge, Excise Act, Sitamarhi, in connection with GO Case No.72 of 2020, subject to the conditions laid down under Section 438(2) Cr.P.C.

Accordingly, this application stands disposed of.

(Rajendra Kumar Mishra, J)

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