

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8933 of 2021

Arising Out of PS. Case No.-358 Year-2020 Thana- MINAPUR District- Muzaffarpur

JIYA LAL MAHATO SON OF BARAN MAHATO R/O VILLAGE-
PANAPUR, BANGLA TOLA, P.S.- MEENAPUR, (PANAPUR O.P.),
DISTRICT- MUZAFFARPUR.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Anish Chandra, Advocate

For the Opposite Party/s : Ms. Pushpa Sinha, APP.

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 01-07-2021

In view of sudden resurgence 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 Meenapur (Panapur OP) PS Case No. 358 of 2020 registered under Sections 272, 273/34 of the IPC and Sections 30(a), 41 of Bihar Prohibition and Excise Act, 2016 .

70 Liters illicit liquor has allegedly been recovered from the petitioner's hut.

It is submitted by learned Counsel for the petitioner that the petitioner has falsely been implicated in this case on mere suspicion and dirty local village politics. Entire family members of the petitioner have been implicated in this case. Recovery is not in accordance with mandatory procedure and there is no forensic opinion to sustain the allegation of recovered substance being intoxicant. Petitioner is in custody since 10.10.2020 and he has no



criminal antecedent.

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 Special Judge, Excise Act, Muzaffarpur in Meenapur (Panapur OP) PS Case No. 358 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)

SNkumar/-

U		T	
---	--	---	--

