

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9407 of 2021

Arising Out of PS. Case No.-206 Year-2020 Thana- DAGARUA District- Purnia

Surendra Mahto, S/O Arjun Mahto, R/O Binodpur Ward No.11, P.S.-
Begusarai Muffasil (Singhaul OP), Dist-Begusarai

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Md Fazle Karim, Advocate

For the Opposite Party/s : Mr. Uma Shankar Pd. Singh, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 10-08-2021 The matter has been taken up today for consideration
through video conferencing.

The learned counsels are appearing and making
submissions from their residence. The Court Master and
Secretary are also part of this virtual Court proceedings from
their homes, all with the aid of audio visual technology.

Heard learned Counsel for the petitioner and the
learned APP for the State.

The petitioner seeks bail in connection with Special
Excise Case No.524 of 2020 arising out of Dagarua P.S. Case
No.206 of 2020 registered for the offence punishable under
Sections 272 and 273 of the Indian Penal Code and Section
30(a) of the Bihar Prohibition and Excise Act, 2016.

207 litres illicit liquor has allegedly been recovered



from the vehicle in which the petitioner was travelling.

It is submitted that it is a case of false implication. The petitioner is merely a co-passenger in the car and had no knowledge about the illicit liquor. Driver who had knowledge had succeeded in fleeing away. Recovery is not in accordance with law. It is also submitted that he has no criminal antecedents and is in custody since 01.12.2020.

Learned APP for the State has opposed the prayer for bail.

Considering the rival submissions, this Court is inclined to allow the petitioner's prayer for bail.

Accordingly, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the court of learned Special Judge (Excise), Purnea, in connection with Special Excise Case No.524 of 2020 arising out of Dagarua P.S. Case No.206 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.

This Court would expect that the petitioner's counsel would honour his undertaking in the instant proceedings regarding supply of the requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

(Madhuresh Prasad, J)

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