

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17712 of 2020

Arising Out of PS. Case No.-238 Year-2019 Thana- GOVERNMENT OFFICIAL COMP.
District- Begusarai

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MANGAL KUMAR @ MANGAL MAHTO, Gender-Male, aged about 32 years, Son of Late Laddu Lal Mahto, Resident of-Ward No. 26, Panahsh, Anandpur, Suhird Nagar, P.S.- Town (Lohiya Nagar O.P.), District - Begusarai.

... .. Petitioner

Versus

The State Of Bihar through Inspector Of Excise, Begusarai. Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr. Pritish Kumar Lal, Advocate
For the Opposite Party : Mrs. Rita Verma, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 22-01-2022 Due to the third wave of COVID-19 Pandemic, the matter is being taken up by way of Virtual Court proceeding.

The matter has been listed under the heading 'For Orders' under the orders of Hon'ble the Chief Justice.

Heard learned counsel for the petitioner and learned A.P.P. for the State through Virtual mode.

The petitioner is apprehending his arrest in connection with Complaint Case No. 238 C2 of 2019, for the offence registered under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

The prosecution story, in brief, is that total 8.250 liters wine is recovered from the *Palani* belonging to joint family of



the petitioner.

It has been submitted by learned counsel for the petitioner that the petitioner has got no criminal antecedent. There is no allegation of tampering with the witnesses alleged against the petitioner. The petitioner has falsely been implicated in the present case. It is alleged that total 8.250 liters wine is recovered from the *Palani* belonging to joint family of the petitioner. Except for this, there is no other substantive evidence to suggest the implication of the petitioner in this case. Nothing incriminating has been recovered from the conscious possession of the petitioner. The petitioner had no knowledge regarding the alleged incident. There is no compliance of Section 100 Cr. P.C.

On behalf of the State, it is submitted that the petitioner is named in the F.I.R/ Complaint Case.

It is necessary to indicate here that this Court while considering the prayer made in the present anticipatory bail application has taken note of the exponential rise in number of covid cases due to outbreak of third wave of Covid-19 pandemic. Further this Court can also not lose sight of the fact that the condition of jails is not conducive and suitable to the present situation which has arisen due to the sudden rise in covid cases.



Considering the aforesaid facts and circumstances, the petitioner, above named, in the event of arrest/surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on his personal bonds to the satisfaction of the learned Additional District and Sessions Judge-II-cum-Special Judge, Excise Act, Begusarai, in connection with Complaint Case No. 238 C2 of 2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Once the normalcy is restored, the petitioner shall furnish bail bonds of Rs. 10,000/-(Rupees Ten Thousand) with two sureties of the like amount each within a period of eight weeks to the satisfaction of the court concerned in connection with the aforesaid case.

(Sudhir Singh, J)

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