

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.6183 of 2019**

Arising Out of PS. Case No.-173 Year-2018 Thana- SONBERSA District- Sitamarhi

=====

BOGU MAHTO @ RAGHUNATH PRASAD @ BIGU MAHTO aged about 48 years (male) son of Kishori Mahto Resident of Village – Bhutahi, P.s. Sonbarsa, District-Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

**Appearance :**

For the Petitioner/s : Mr.Ashhar Mustafa

For the Opposite Party/s : Mr.Renuka Ratnakar

=====

**CORAM: HONOURABLE MR. JUSTICE S. KUMAR**  
**ORAL ORDER**

2      07-02-2019                      Heard learned counsel for the parties.

Petitioner seeks bail in Sonbarsa P.S. Case No.173 of 2018 registered for the offence punishable under Sections 272 and 273 of IPC and under Section 30(a) of the Bihar Prohibition & Excise Act, 2016.

Allegation is recovery of 502.56 litres foreign liquor from a truck. During inquiry, it has come in the light that one Binod Kumar along with his associates kept the said truck there and used to sale it amongst the customers.

It has been submitted on behalf of the petitioner that petitioner has falsely been implicated in this case. Petitioner is accused in two more cases of similar nature. Petitioner is in custody since 22.12.2018



Since the petitioner is an accused in similar nature of case, I am not inclined to enlarge him on bail at this stage. As such the prayer for bail of petitioner is hereby rejected.

However, considering the aforesaid facts and circumstances of the case, let the petitioner named above be released on bail after completing **six months in jail custody** upon furnishing bail bond of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of learned A.D.J.-II-cum-Special Judge, Excise Act, Sitamarhi in connection with Sonbarsa P.S. Case No.173 of 2018 , with following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court.

(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(4) If the petitioner is found involved in similar nature of offences, after his release on bail the trial court shall take steps to cancel his bail bond.

**(S. Kumar, J)**

Sanjay/-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|

