

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.10115 of 2019

Arising Out of PS. Case No.-592 Year-2018 Thana- SIWAN MUFFASIL District- Siwan

PREM MAHTO, aged about 30 years, Male, Son of Mishri Mahto, Resident of Village - Sarsar, P.S.- Muffasil, District – Siwan ... Petitioner

Versus

The State of Bihar

... Opposite Party

Appearance :

For the Petitioner : Mr. Bijay Prakash Singh, Adv.

For the Opposite Party : Mr. Tarkeshwar Nath Thakur, APP

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL

ORAL ORDER

2 20-02-2019 Heard the learned counsel for the petitioner and the learned counsel appearing for the State.

The petitioner is languishing in judicial custody since 22.10.2018 in connection with Siwan Muffasil P.S. Case No. 592 of 2018 for the offences alleged under Sections 272 and 273 of the Indian Penal Code and under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, as lodged by the police personnel, is that petitioner was apprehended in a bicycle and from the cycle 37.800 liters of Indian made foreign liquor was recovered. Accordingly, a seizure memo was prepared.

It has been submitted by the learned counsel for the petitioner that he is innocent and has been falsely implicated in the aforesaid case. He, further, submits that charge sheet has already been submitted, there being no allegation of tampering with the prosecution witnesses.

However, the learned Additional Public Prosecutor for the State opposes the prayer for bail stating therein that the



petitioner does not bear a clean antecedent and one more case for similar offence is pending against the petitioner.

Considering the facts and circumstances, the period of custody and that the charge sheet has already been submitted, let the petitioner, above named be released on bail on furnishing bail bond of Rs.10,000/- (rupees ten thousand) with two sureties of the like amount each in connection with Siwan Muffasil P.S. Case No. 592 of 2018 to the satisfaction of the learned Additional Sessions Judge II-cum-Special Judge, Excise, Siwan, subject to the following conditions :

(i) One of the bailors would be a close relative of the petitioner having sufficient immovable property, who will file an affidavit stating his relationship with the petitioner.

(ii) If the petitioner indulges in an offence of similar nature in future, the prosecution will be at liberty to move the learned Court below for cancellation of his bail bonds.

(Nilu Agrawal, J)

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