

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.78827 of 2018

Arising Out of PS. Case No.-396 Year-2018 Thana- DHAKA District- East Champaran

1. Mukesh Mahto, Son of Shri Narain Mahto, Resident of Village- Kundwa Chainpur, P.S.- Kundwa Chainpur, District- East Champaran at Motihari.
2. Hasre Alam @ Hasi Alam, Son of Sainul Mian, Residence of Village- Vikrampur, P.S.- Dhaka, District- East Champaran.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vibhakar Kumar, Adv.

For the Opposite Party/s : Mr.Sri Jagdhar Prasad (APP)

CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL ORDER

3 05-02-2019 Heard learned counsel for petitioners and learned counsel for the State.

Petitioners, who are in custody, seek bail in connection with Dhaka P.S. Case No. 396 of 2018 registered for the offences punishable under Section 30(a) of Bihar Prohibition and Excise Act, 2016.

Allegation is recovery of 30 liters each illicit liquor from the dickey of both the motorcycles of the petitioners.

It has been submitted on behalf of the petitioners that they are innocent and have committed no offence. Petitioners have been falsely implicated in this case due to high handedness of police. Nothing incriminating articles has been recovered from the conscious possession of the petitioners.



Petitioners have no criminal antecedent and are in custody since 01.10.2018.

Considering the aforesaid fact and circumstances of the case, let the petitioners named above be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Special Judge Excise, East Champaran at Motihari, in connection with Dhaka P.S. Case No. 396 of 2018, subject to conditions:

- (1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.
- (2) Petitioners shall co-operate in the trial and shall be represented on each and every date fixed by the court.
- (3) If the petitioners tamper 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 petitioners.
- (4) If the petitioners are found involved in similar nature of offences, after their release on bail the trial court shall take steps to cancel their bail bonds.

(S. Kumar, J)

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