

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24197 of 2019

Arising Out of PS. Case No.-284 Year-2018 Thana- BALIYA District- Begusarai

BHOLA MAHTO S/o Ram Padarath Mahto R/o village- Panhas
(Lohiyanagar), P.S.- Town O.P Lohia Nagar, District- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manoj Kumar

For the Opposite Party/s : Mr.Dr.Mrityunjaya Kr.Gautam

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 18-04-2019 Heard learned counsel for the petitioner and the
learned counsel appearing on behalf of the State.

Petitioner is languishing in judicial custody since
01.02.2019 in connection with Balia P.S. Case No. 284 of 2018
for offences punishable under Sections 30(a) of the Bihar
Prohibition and Excise Act, 2016.

The prosecution case as lodged by the police
personnel is that on secret information that huge quantity of
liquor is being brought by the petitioner and three named
accused persons in the brick kiln of one Gopal Choudhary, the
informant conducted a raid and from the truck, bolero car and
motorcycle parked near the brick kiln, 550 litres of Indian made
foreign liquor was recovered. Accordingly, seizure lists were
prepared.

It has been submitted by the learned counsel for the



petitioner that he is innocent, not named in the F.I.R., was not present at the place of occurrence and made the accused only on suspicion and because earlier cases under the Excise Act is pending against him. It is further submitted that nothing has been recovered from the conscious possession of the petitioner and he is languishing in judicial custody since more than two months.

However, learned APP for the State opposes the prayer for bail stating therein that the petitioner is a habitual offender and eight more cases for similar allegation is pending against the petitioner.

Considering the nature of allegations and that the petitioner was not apprehended on the spot, let the petitioner above named be enlarged 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 learned Additional Sessions Judge-cum- Special Judge, Excise Act, Begusarai in connection with Balia P.S. Case No. 284 of 2018, subject to the conditions:-

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

(2) The petitioner will appear before the learned Court



below during trial as and when required and failure to appear on two consecutive dates without assigning any reason will entail cancellation of his bail bonds.

(3) 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)

devendra/priyanka

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