

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69875 of 2019

Arising Out of PS. Case No.-141 Year-2019 Thana- MADHEPUR District- Madhubani

NUNU MAHTO S/o Late Nathu Mahto R/o village- Nawada, P.S.-
Madhepur, District- Madhubani

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manish Kumar No 13

For the Opposite Party/s : Mr.Suresh Prasad Singh

**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN
SINGH**

ORAL ORDER

2 18-12-2019 Heard learned counsel for the parties.

This application for regular bail arises out of Madhepur P.S. Case No. 141 of 2019, corresponding to G.R. No. 1736 of 2019, disclosing the offence under Sections 272, 273 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

It is alleged in the FIR that the police received an information to the effect that the petitioner was going to deliver illicit liquor, in his motorcycle, to other persons. The petitioner was noticed with his motorcycle carrying the articles and after seeing the police, he fled away, leaving the motorcycle back. It is further alleged that the said motorcycle was seized and checked leading to recovery of one cartoon of foreign made



liquor. The petitioner's wife has also been made accused with an allegation that she also fled away leaving behind a bagful of bottles of illicit liquor, which was seized.

Learned counsel appearing on behalf of the petitioner has submitted that allegedly 69.84 litres of foreign liquor is said to have been recovered but it cannot be said that the same was recovered from the petitioner's conscious possession. He further contends that in any view of the matter, the petitioner is not likely to tamper with the evidence or influence the witnesses if allowed privilege of regular bail. The petitioner is in custody since 14.09.2019 and has no criminal antecedent, as stated in paragraph-3 of the application.

Considering the above submission, this application is allowed. Let the petitioner, above-named, be released on bail on furnishing bail bonds of Rs. 10,000/-(ten thousand), with two sureties of the like amount, each to the satisfaction of learned Additional Sessions Judge-IIInd, cum Special Judge, Excise Act, Madhubani in Madhepur P.S. Case No. 141 of 2019, corresponding to G.R. No. 1736 of 2019.

This is subject to the condition that the petitioner shall present himself before the Police/ Court, as the case may be, as and when required and in the event of failure on his part to



appear before the court on two consecutive occasions, his bail
bonds shall be liable to be cancelled.

(Chakradhari Sharan Singh, J)

Rajesh/-

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