

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 70373 of 2019

Arising Out of PS. Case No.-122 Year-2018 Thana- KAUWAKOL District- Nawada

SHAMBHU MAHTO @ SHAMBHU PRASAD Son of Late Bishun Mahto
@ Late Kishun Mahto Resident of Village - Maniyachak, P.S.- Roh, Distt -
Nawada.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sheo Kumar Prasad

For the Opposite Party/s : Ms.Asha Kumari

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

2 04-12-2019 Heard learned counsel for the petitioner and the
learned APP for the State.

Petitioner seeks bail in a case registered under Section
30 (a) of Bihar Excise and Prohibition Act, 2016.

It is submitted that, admittedly, as per allegations in
the first information, petitioner was not apprehended from the
spot from where 30 liters of illicit liquor has been recovered.
The petitioner has been implicated merely on the basis of
suspicion and there is no allegation of tampering with witness or
evidence. The petitioner is accused in three other cases from
before in which he is on bail. In the instant case, he is in
custody since 27.08.2019.

Learned APP for the State has opposed the prayer.



Considering the rival submissions, this Court is inclined to accept the submission of the petitioner's counsel.

Let the petitioner above named be released on bail on his furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Additional Sessions Judge II -cum- Special Judge, Excise Act, Nawada in Kawakole (Rupau) Police Station Case No 122 of 2018 subject to the following conditions:

(1) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(2) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail will be liable to be cancelled.

(Madhuresh Prasad, J)

M.E.H./-

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