

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 82295 of 2019

Arising Out of PS Case No.-145 Year-2019 Thana- KHANPUR District- Samastipur

Shyam Kumar, aged about 26 years (Male), Son of Rajendra Mahto @
Rajendra Mahato Resident of Village - Manwara, P.S.- Khanpur, District-
Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vinay Kumar Mishra, Advocate
For the State : Mr. Md. Arif, APP

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH

ORAL JUDGMENT

Date : 12-12-2019

Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Khanpur
PS Case No. 145 of 2019 dated 20.10.2019 instituted under
Sections 272/273 of the Indian Penal Code and 30(a) of the Bihar
Prohibition and Excise Act, 2016.

3. Learned counsel for the petitioner submitted that he
may be permitted to make correction in paragraph no. 10 of the
application with regard to alleged quantity of liquor recovered
from the house of the petitioner.

4. Permission granted.

5. Let the same be done during the course of the day.



6. The allegation against the petitioner and others was of dealing in illegal trade of liquor and against the petitioner, it is alleged that 345.280 litres of liquor was recovered from his house on the information given by persons who have been arrested by the police.

7. Learned counsel for the petitioner submitted that from the room from which the so called recovery has been made, though in the joint house of the petitioner, was not under his control as in partition, it was not the portion allotted to him. It was submitted that the petitioner was caught from his house which also shows that he was not aware of what was kept in the said room, otherwise he could have made an attempt to escape which he did not. It was further submitted that he has no criminal antecedent and is in custody since 20.10.2019.

8. Learned APP submitted that from the house of the petitioner 345.280 litres of liquor has been recovered.

9. Considering the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail on furnishing bail bonds of Rs. 25,000/- (Twenty Five thousand) with two sureties of the like amount each to the satisfaction of the learned Jnd Additional



District Judge-cum-Special Judge Excise, Samastipur in Khanpur
P.S. Case No. 145 of 2019.

10. One of the bailors shall be a close relative of the petitioner. The petitioner and the bailors shall execute bond with regard to good behaviour of the petitioner. The petitioner shall also give an undertaking to the Court that he shall not indulge in any criminal activity. Any violation of the terms and conditions of the bonds or the undertaking shall lead to cancellation of his bail bonds. The petitioner shall cooperate in the case and be present before the Court on each and every date. Failure to cooperate or appear on two consecutive dates, without sufficient cause, shall also lead to cancellation of his bail bonds.

11. The application stands disposed off.

(Ahsanuddin Amanullah, J.)

P. Kumar

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