

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 82549 of 2019

Arising Out of PS. Case No.-744 Year-2019 Thana- SARAIYA District- Muzaffarpur

Satya Narain Mahto, aged about 40 years, Gender-Male, Son of Late Nandlal Mahto Resident of Village - Bahilwara, Pandey Tola, P.S.- Saraiya, Distt.- Muzaffarpur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Mukesh Kumar, Advocate

For the Opposite Party/s : Mr. Bhanu Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

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

The petitioner seeks bail in Saraiya P.S. Case No. 744 of 2019, corresponding to G.R. No. 2157/19, registered for the offence under Sections 272, 273, 34 of the I.P.C. and Section 30(a) of Bihar Prohibition and Excise (Amendment) Act, 2018.

As per prosecution case, altogether 125 liters of country-made liquor was recovered, out of which, 50 liters of said liquor was recovered from the hut of the petitioner.

It is submitted on behalf of petitioner that petitioner has falsely been implicated in this case and nothing has been recovered from his conscious possession. Neither the hut in question belongs to petitioner nor petitioner has any concern with the seized liquor. It is further submitted that mandatory provision of Section 100 Cr.P.C. has not been followed with



respect to search and seizure. There is also no allegation against the petitioner of tampering with the evidence and petitioner is in custody since 10-11-2019, having no criminal antecedent.

Considering the aforesaid facts and circumstances as well as nature of accusation, let the above named petitioner 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 learned Special Judge (Excise), Muzaffarpur in connection with Saraiya P.S. Case No. 744 of 2019, corresponding to G.R. No. 2157 of 2019, on the following conditions:

“(1) Petitioner shall cooperate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present, as directed by the Court and on his absence on two consecutive dates without sufficient reason, his bail-bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.”

(Prabhat Kumar Singh, J.)

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