

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.28299 of 2020**

Arising Out of PS. Case No.-8 Year-2020 Thana- GOVERNMENT OFFICIAL COMP.  
District- Araria

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1. Madan Sah S/o Hira Sah Resident of Village-Sarisabbhi, P.S.-Pandol, District-Madhubani.
  2. Jayram Mahto S/o Methar Mahto Resident of Village-Sarisabbhi, P.S.-Pandol, District-Madhubani.
  3. Amar Kumar S/o Ravindra Mahto Resident of Village-Sarisabbhi, P.S.-Pandol, District-Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.Ajay Kumar Tiwary  
For the Opposite Party/s : Mr.A.P.P.

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**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH**  
**ORAL ORDER**

2      09-11-2020                      At the outset, it is submitted by learned counsel for the petitioners that petitioner no. 1 Madan Sah and petitioner no. 2 Jayram Mahto had previously moved their application before this Court for grant of regular bail, vide Cr. Misc. No. 23274 of 2020, and they have already been granted bail by this Court, vide order dated 11-09-2020. It is further submitted by the counsel for the petitioners that he was not aware of the aforesaid fact and due to wrong information supplied by the brother of petitioner no. 1, the present bail application was filed. Therefore, he seeks permission for withdrawal of this bail application, so far as petitioner no. 1 (Madan Sah) and petitioner



no. 2 (Jayram Mahto) are concerned.

Permission granted. The bail application stands dismissed as withdrawn in respect of petitioner no. 1 and 2.

Sole petitioner (i.e. petitioner no. 3 namely Amar Kumar) seeks bail in Farbisganj Circle Excise Case No. 8 of 2020 corresponding to Special Case No. 264 of 2020 registered for the offence under Sections 272, 273 of the Indian Penal Code and Sections 30(A), 32(3) of the Bihar Prohibition and Excise Act.

On secret information, a raid was conducted and total 90 liters of foreign liquor is said to have been recovered from a car and after chase, this petitioner alongwith two other co-accused namely Madan Sah and Jayram Mahto were nabbed on the spot.

It is submitted that nothing has been recovered from the possession of the petitioner. It is further submitted that save and except confessional statement of co-accused Subhash Kumar, there is nothing against this petitioner. Though, petitioner is owner of the car, but was not aware of the consignment, which was transported in his car. Petitioner is in custody since 07-03-2020. It is stated in paragraph – 3 of the petition that petitioner has no criminal antecedent. It is also



submitted that other co-accused have already been granted bail by this Court.

Considering the aforesaid facts and circumstances and period of custody, the bail application is allowed. Let the petitioner namely Amar Kumar 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 2<sup>nd</sup> cum Special Judge, Excise, Khagaria, in connection with Farbisganj Circle Excise Case No. 8 of 2020 corresponding to Special Case No. 264 of 2020 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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