

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13235 of 2021**

Arising Out of PS. Case No.-231 Year-2020 Thana- BENIPATTI District- Madhubani

Nitish Mahto, son of Dinesh Mahto, Resident of village-Baliya, P.S.-
Benipatti, District-Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ravi Prakash, Adv.

For the Opposite Party/s : Mr. Satyadeo Singh Yadav, APP

**CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER**

2 23-07-2021 In view of sudden resurgence of COVID-19 infection

there is limited functioning of the High Court and therefore the

matter has been listed for consideration through virtual mode.

Heard learned counsel for the petitioner and the

learned APP for the State.

This Court would expect that the petitioner's Counsel

would honour his undertaking in the instant proceedings

regarding supply of requisite court fee etc. within two weeks

from the date he is called upon to do so by the office.

Petitioner seeks bail in Benipatti P.S. Case No.231 of

2020 registered under Sections 272, 273 of the IPC and 30(a)

Bihar Prohibition and Excise Act, 2016.



Illicit liquor has been recovered from the petitioner's father's rented premises.

It is submitted by the counsel by the counsel for the petitioner that the house belongs to someone else. The petitioner has falsely been implicated. There is no compliance with the procedure laid for search, seizure and recovery. Petitioner has no criminal antecedent and he is in custody since 29.11.2020.

Learned APP has opposed the prayer for bail.

Considering the rival submissions as also the facts and circumstances of the case, prayer for bail of the petitioner 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, IInd-cum-special Judge, Excise Act, Madhubani in Benipatti P.S. Case No.231 of 2020, subject to the following conditions:-

(i) 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.

(ii) That the petitioner will be well represented on



each date and if he fails to do so on two consecutive dates, his
bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

Prakash Narayan /-

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