

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13689 of 2021

Arising Out of PS. Case No.-134 Year-2020 Thana- SAHARGHAT District- Madhubani

1. AJIT KUMAR MAHTO @ AJIT KUMAR S/O RAVINDRA MAHTO R/o village- Gangaur, P.S.- Harlakhi, District- Madhubani
2. Md. Rahmat S/o Md. Sariful R/o village- Gangaur, P.S.- Harlakhi, District- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Kumari Shubham, Adv.

For the Opposite Party/s : Mr. Tapeswar Sharma, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 13-08-2021 In view of the sudden resurgence of Covid-19 infection, there is limited functioning of the High Court and, therefore, the matter has been listed today for consideration through virtual mode.

Learned counsel for the petitioners is expected to honour his undertaking given in the instant case for depositing the requisite court fee and to remove the defects as pointed out by office when called upon to do so by the office.

Heard learned counsel for the petitioners and learned A.P.P. for the State.

The petitioners seek bail in Saharghat P.S. Case No. 134 of 2020 corresponding to GR No.1532 of 2020 instituted



for the offence under Sections 279, 337, 338, 272 and 273 of the Indian Penal Code and under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

Altogether 900 litres of illicit liquor is alleged to have been recovered from the vehicle, which has allegedly met with an accident. The petitioners were travelling on the said vehicle.

The learned counsel for the petitioners submits that the petitioners have falsely been implicated in the case. They have no connection with the alleged liquor. The petitioners are bona fide passersby. They have become the victims of the circumstance. The petitioners are in custody since 22.11.2020. It is asserted in the bail application that they have no criminal antecedents.

The learned APP has opposed the prayer for bail.

Considering the rival submissions as also the facts and circumstances of the case, this Court for the purposes of grant of bail is inclined to accept the submissions advanced by the petitioners' counsel. Prayer for bail of the petitioners is allowed. Let the petitioners, above named, be released on bail on furnishing bail bonds of Rs. 10,000/-(Ten thousand) each with two sureties of the like amount each to the satisfaction of



the learned Additional District and Sessions Judge IInd-cum-Special Judge, Excise Act, Madhubani, in connection with Saharghat P.S. Case No.134 of 2020, subject to the following conditions:-

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

(ii) That the petitioners will be well represented on each date and if they fail to do so on two consecutive dates, their bail bonds will be liable to be cancelled.

(Madhuresh Prasad, J)

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