

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14926 of 2021**

Arising Out of PS. Case No.-125 Year-2020 Thana- SAHARGHAT District- Madhubani

Sukesh Kumar @ Sukesh Mahto, S/o Sukhdeo Mahto, Resident of Village-
Nawtoli Mukhiyapatti, P.S.- Saharghat, District- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Murari Narain Chaudhary, Advocate

For the Opposite Party/s : Ms. Pushpa Sinha, APP

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

2 14-09-2021 The matter has been taken up today for
consideration through video conferencing.

The learned counsels are appearing and making
submissions from their residence. The Court Master and
Secretary are also part of this virtual Court proceedings from
their homes, all with the aid of audio visual technology.

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

The petitioner seeks bail in connection with
Saharghat P.S. Case No.125 of 2020/G.R. No.1421 of 2020
registered for the offence punishable under Sections 272,
273/34 of the Indian Penal Code and Section 30(a) of the Bihar
Prohibition and Excise Act, 2016.

On 21st of October, 2020, there is an alleged



recovery of illicit liquor. The total quantity of recovery is 405 litres of Nepali country made wine from Swift Desire vehicle. On 13.12.2020 the petitioner has been taken into custody, alleging that he was seen alighting from the vehicle.

Petitioner's counsel submits that as per the FIR, the petitioner was not arrested from the place and time of recovery. Petitioner's implication is false and having no criminal antecedents, he has unnecessarily been languishing in custody.

Learned APP for the State 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 petitioner's counsel. Prayer for bail of the petitioner is allowed.

Let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-II Cum Special Judge, Excise Act, Madhubani/Incharge successor court, in connection with Saharghat P.S. Case No.125 of 2020/G.R. No.1421 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.

This Court would expect that the petitioner's counsel would honour his undertaking in the instant proceedings regarding supply of the requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

(Madhuresh Prasad, J)

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