

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16578 of 2021**

Arising Out of PS. Case No.-40 Year-2020 Thana- MORKAHI District- Khagaria

Naresh Mahto @ Naresh Patel, aged about 50 years (Male) S/o Late Anandi
Mahto R/o village- Mathurapur, P.S.- Khagaria, District- Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Praveen Kumar Agrawal, Adv.

For the Opposite Party/s : Mr. Navin Kumar Pandey, Spl PP

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

3 29-10-2021 The matter has been listed today for consideration
through Video Conferencing.

Heard learned counsel for the petitioner and learned
Additional Public Prosecutor (for short 'APP') for the State.

Learned counsel for the petitioner 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.

The petitioner seeks bail in Morkahi PS Case No. 40 of
2020 instituted for the offence under Section 30(a), of the Bihar
Prohibition and Excise (Amendment) Act, 2018.

25 litres illicit country made liquor has allegedly been
recovered from a tempo vehicle.

Submission of the petitioner's counsel is that the co-



accused Bhajan Rajak has been apprehended with the illicit liquor and on the basis of statement of this co-accused petitioner has been implicated as being the other person who had fled away. Submission is that implication based on such confessional statement of co-accused is unreliable. He is in custody since 12.11.2020 and has two criminal antecedents, as per disclosure in paragraph No.3, in which, he is on bail. Even as per prosecution case, he was not arrested at the time and place of recovery and there is no alleged recovery of illicit liquor from the petitioner possession.

The learned APP representing 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 District and Sessions Judge-II-cum-Special Judge Excise Act, Khagaria, in connection with Morkahi PS Case No. 40 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)

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