

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24095 of 2021

Arising Out of PS. Case No.-205 Year-2020 Thana- GUTHANI District- Siwan

MANTOSH RAJBHAR, Son of Nagina Rajbhar Village - Gyaspur, P.O.-
Balua, P.S.- Guthani, Siwan.

... .. Petitioner

Versus

The State of Bihar Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Ms. Madhuri Lata, Advocate

For the Opposite Party/s : Mr. Amit Kumar Rakesh, A.P.P

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

4 13-12-2021 Heard Ms. Madhuri Lata, learned counsel appearing
on behalf of the petitioner and Mr. Amit Kumar Rakesh, learned
A.P.P. for the State.

Let the defect(s) be removed within two weeks of the
complete start of the physical Court in normal course.

The petitioner, who is in custody since 14.01.2021,
seeks bail in connection with Guthani P.S. Case No. 205 of
2020, for the offence punishable under Section 30(a) of the
Bihar Prohibition and Excise Act, 2016.

The prosecution case, in brief, is that about 200 litres
of country made Mahua liquor was recovered from the Plani of
the petitioner.

Learned counsel appearing on behalf of the petitioner
submits that nothing has been recovered from the possession of
the petitioner. She, however, submits that one case, in relation to



the excise matter being Guthani P.S. Case No. 174 of 2017, is pending against the petitioner in which he has already been released on bail from the Court of learned Addl. Sessions Judge-II-cum-Special Judge, Excise Act, Siwan and as such on the basis of the said case the petitioner has been roped in the present case as well due to some village politics as such he deserves to be released on bail.

Learned A.P.P. for the State, however, opposes the prayer for grant of bail to the petitioner with submission that petitioner is engaged in illicit trade of liquor and as such the petitioner does not deserve to be released on bail.

Considering the aforesaid facts and circumstances of the case and the fact that nothing has been recovered from the conscious possession of the petitioner, it is directed that the learned Court below after verifying the criminal antecedent of the petitioner and after being satisfied as to whether any other criminal case or excise case is pending against the petitioner and after verifying the same, if no case is pending against the petitioner, the petitioner, above named, be released on bail on furnishing bail bond of Rs. 1,00,000/- (Rs. One Lakh) with two sureties of the like amount each to the satisfaction of the learned Addl. District & Sessions Judge-II-cum-Special Judge, Excise



Act, Siwan in connection with Guthani P.S. Case No. 205 of 2020 subject to the following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(4) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel his bail bonds.

(Purnendu Singh, J)

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