

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28555 of 2021

Arising Out of PS. Case No.-389 Year-2020 Thana- DALSINGHSARAI District- Samastipur

Dilip Mahto @ Dilip Singh S/O Ram Sagun Mahto R/O Village-Maalpur
Khatai Toll, Ward No. 08, P.S Dalsingsarai And District Samastipur
... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Aditya Prakash Sahay, Adv.

For the Opposite Party/s : Ms. Veena Kumari Jaiswal, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 20-12-2021 Heard learned counsel appearing on behalf of the petitioner as well as learned Additional Public Prosecutor appearing for the State.

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

Petitioner who is in custody since 22.12.2021 seeks bail in connection with Dalsinghsarai P.S. Case No.389 of 2020 registered for offence punishable under Section 30(a) of Bihar Prohibition and Excise Act, 2016.

Prosecution case in brief, is that altogether 174.96 liters of different brand of Indian made foreign liquor was recovered from behind the house of co-accused Chandan Kumar.

Learned counsel appearing on behalf of the petitioner submits that no incriminating article has been recovered from



the conscious possession of the petitioner. If at all any of the named accused person is concerned, the offence is attribute to one co-accused, Chandan Mahto from whose house backyard the recovery was made.

Learned counsel appearing on behalf of the State submits that petitioner is one of the member of the organized trade, who are running organized trade of illicit liquor in the State of Bihar, which has led to death of innocent citizens after consuming spurious liquor. Since such incidence is happening day after another and as such the petitioner do not deserves to be released on bail.

Considering the above-mentioned facts and circumstances of the case and taking into consideration the criminal record of the petitioner, it is directed that the court below after verifying the criminal antecedent of the petitioner till today and after being satisfy as to whether any other criminal case or excise case is pending against the petitioner and after verifying the same, the petitioner, above named, be released on bail on furnishing bail bond of Rs.1,00,000/- (Rupees One Lac) with two sureties of the like amount each to the satisfaction of learned A.D.J., IInd-cum-Special Judge Excise, Samastipur in connection with Dalsinghsarai P.S. Case



No.389 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 tamper 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 petitioners.

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

(Purnendu Singh, J)

Prakash Narayan /-

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