

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41920 of 2021**

Arising Out of PS. Case No.-312 Year-2021 Thana- BARACHATTI District- Gaya

1. Jagdish Mahto S/O Late Samswarup Mahto @ Late Ramswaroop Mahto,
2. Parmatma Kumar, S/O Jagdish Mahto,
Both R/O Village-Bela Pachgachhiya, P.S-Ahiyapur, District-Muzaffarpur.

... .. Petitioners

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arjun Prasad, Adv.
For the Opposite Party/s : Mr.Nand Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER**

2 21-10-2021 Heard learned counsel for the petitioners and learned
APP for the State.

Learned counsel for the petitioners undertakes to remove the defects as pointed out by the office within four weeks of normal functioning of the court, failing which the office is directed to place the matter before the Bench.

The petitioners seek bail in a case registered for the offence punishable under Section 30 (a) of the Bihar Prohibition and Excise Act, 2016.

It is submitted by learned counsel for the petitioners that the petitioners are innocent and have falsely been implicated in this case. There is no recovery from the conscious possession of the petitioners, rather there is recovery of total



1728 liters of foreign liquor from the Parcel Van. The petitioner no.1 is driver and petitioner no. 2 is Khalasi of the said vehicle. The petitioners are languishing in custody since 27.05.2021. The petitioners have got no criminal antecedent, which is mentioned in para 3 of the bail application.

Learned APP for the State vehemently opposed the prayer for bail petition.

Petitioner no.1 is agreed to deposit a sum of Rs. 20,000/- (Rupees Twenty Thousand) and petitioner no. 2 is agreed to deposit a sum of Rs.10,000/- (Rupees Ten Thousand) in the Chief Minister Relief Fund, Bihar, bearing Account No.2065104000002257, IFSC IBKL0002065, IDBI Bank, Kidwaipuri Branch, Patna.

Considering the aforesaid facts and circumstances of the case, the above named petitioners are directed to be enlarged on bail on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending/ successor Court in connection with I.A. No. 01/2021, CIS No. 925/2021 arising out of Barachatti P. S. Case No.312/2021; subject to the following conditions:

- (i) that one of the bailors will be a close relative of



the petitioners, who will be given an affidavit giving genealogy as to how they are related with the petitioner. They will also undertake to inform the Court if there is any change in the address of the petitioners.

(ii) that the bailor shall also state on affidavit that they will inform the Court concerned if the petitioners are implicated in any other case of similar nature after their release in the present case and thereafter the Court below will be at liberty to initiate proceeding for cancellation of bail on the ground of misuse.

The bail bond of the petitioners shall be accepted by the learned Court below on showing receipt of deposit of Rs.20,000/- (Rupees Twenty Thousand) for petitioner no.1 and Rs.10,000/- (Rupees Ten Thousand) for petitioner no.2 in the Chief Minister Relief fund.

(Anjani Kumar Sharan, J)

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