

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31843 of 2020

Arising Out of Case No.-222 Year-2020 Thana- GOVERNMENT OFFICIAL COMP.
District- Samastipur

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Ashok Mahto, Male, aged about 45 years, S/o Ram Prit Mahto Resident of
Village-Chhatneshwar Ward no.1, P.S.-Warisnagar, District-Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bijay Bhushan Prasad, Advocate
For the Opposite Party/s : Mr. Madan Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 05-01-2021

Heard Mr. Bijay Bhushan Prasad, learned counsel for the
petitioner and Mr. Madan Kumar, learned Additional Public
Prosecutor (hereinafter referred to as the 'APP') for the State.

2. The petitioner is in custody in connection with Excise
Case No. 222 of 2020 dated 25.08.2020, instituted under
Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

3. The allegation against the petitioner is that from his
hut 364.680 litres of liquor was recovered.

4. Learned counsel for the petitioner submitted that he is
in custody since 25.08.2020 having no criminal antecedent and
the recovery is from the hut and not the dwelling house of the



petitioner.

5. Learned APP submitted that the recovery is from the place which was owned by the petitioner.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail upon furnishing bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge 2nd -cum-Special Judge, Excise, Samastipur in Excise Case No. 222 of 2020, subject to the conditions (i) that one of the bailors shall be a close relative of the petitioner, (ii) that the petitioner and the bailors shall execute bond with regard to good behaviour of the petitioner, and (iii) that the petitioner shall also give an undertaking to the Court that he shall not indulge in any illegal/criminal activity, act in violation of any law/statutory provisions, tamper with the evidence or influence the witnesses. Any violation of the terms and conditions of the bonds or the undertaking shall lead to cancellation of his bail bonds. The petitioner shall cooperate in the case and be present before the Court on each and every date. Failure to cooperate or being absent on two consecutive dates, without sufficient cause, shall also lead to cancellation of his bail bonds.



7. The application stands disposed off in the
aforementioned terms.

(Ahsanuddin Amanullah, J)

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