

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1137 of 2021**

Arising Out of PS. Case No.-233 Year-2019 Thana- SONBERSA District- Sitamarhi

Sujay Mahto @ Sujay Kumar Son of Nathuni Mahto Resident of Village -
Madhesra, P.S.- Sonbarsa, Distt.- Sitamarhi, Bihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Atul Kumar Jha
For the Opposite Party/s : Dr. Mrityunjay Kr. Gautam

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER**

2 03-03-2021 Heard learned counsel for the parties.

The petitioner seeks bail in Sonbarsa P.S. Case No. 233 of 2019, registered for the offence under Sections 272, 273, 414 of the Indian Penal Code and Section 30(a) of Bihar Prohibition and Excise Act, 2016.

On a secret information, a raid was conducted and a truck, containing 2619 liters of illicit liquor, was seized and two persons were also arrested on the spot, who disclosed that said consignment was to be delivered to this petitioner and two other persons.

It is submitted on behalf of petitioner that nothing has been recovered from the conscious possession of the petitioner. Petitioner is neither owner nor driver of the seized truck and has got no concern with the seized illicit liquor. Petitioner has been



named in this case only on the basis of confessional statement of co-accused. Petitioner is in custody since 14.07.2020. Chargesheet has already been submitted.

Considering the aforesaid facts and circumstances as well as nature of accusation, let the above named petitioner be enlarged on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Addl. Sessions Judge-II cum Special Judge (Excise), Sitamarhi in connection with Sonbarsa P.S. Case No. 233 of 2019, on the following conditions:

“(1) Petitioner shall cooperate in the trial and shall be properly represented on each and every date fixed by the court below and shall remain physically present, as directed by the court below, and on his absence on two consecutive dates without sufficient reason, his bail-bond shall be cancelled by the court below.

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

(Prabhat Kumar Singh, J.)

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