

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4314 of 2021**

Arising Out of PS. Case No.-724 Year-2019 Thana- MAHUA District- Vaishali

MAHESH RAI @ GANDHI JEE Son of Shivjee Rai Resident of Village-
Langurau, P.S.-Mahua in the District of Vaishali.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ranjeet Kumar
For the Opposite Party/s : Mr.A.G.

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

2 19-03-2021 Heard learned counsel for the petitioner and learned
A.P.P for the State.

The petitioner seeks bail in Mahua P.S. Case No. 724 of 2019, registered for the offence punishable punishable under Sections 272, 273 of the Indian Penal Code and sections 30(a), 32(ii), 34(ii), 38(ii) and 41(i) of the Bihar Prohibition and Excise Act, 2018.

41 litres of country made Mahua liquor has been recovered from *Dalan* of this petitioner.

It is submitted that no recovery has been made from conscious possession of this petitioner. Petitioner was not apprehended on the spot. Petitioner has no concern with the seized liquor. Petitioner is in custody since 13.10.2020. Chargesheet has already been submitted.



Considering the quantity of recovery and period of custody, the petitioner above-named, is directed to 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 the learned Additional Sessions Judge II-cum-Excise Court, Vaishali at Hajipur in connection with Mahua P.S. Case No. 724 of 2019, subject to following conditions:-

(i) The petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and in the event of failure on two consecutive dates without sufficient reasons, his bail bond shall be liable to be cancelled by the court below.

(ii) 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.

(Prabhat Kumar Singh, J)

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