

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2607 of 2022

Arising Out of PS. Case No.-342 Year-2021 Thana- DALSINGHSARAI District- Samastipur

1. JAGTARAN DEVI Wife of Late Visheshwar Mahto Resident of Village- Kamraon, Ward No. 11, P.S.- Dalsingsarai, District- Samastipur.
2. Karan Mahto Son of Visheshwar Mahto Resident of Village- Kamraon, Ward No. 11, P.S.- Dalsingsarai, District- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jitendra Narain Sinha

For the Opposite Party/s : Mr. Atul Chandra

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 15-06-2022 Let the defect(s), as pointed out by the office, be removed within a period of four weeks from today.

Heard learned counsel for the petitioners and learned APP for the state.

The petitioners seek regular bail in connection with Dalsinghsarai P.S. Case No. 342/2021 (Computer Registration No. 728 of 2021), registered for the offences punishable under Sections 341, 323, 353/34 of the Indian Penal Code and Section 30(a), 41 of the Bihar Prohibition and Excise Act, 2016.

As per prosecution case, on information having received a raid was conducted while the other accused persons managed to escape, two accused persons were apprehended who



are present petitioners and they are acting as facilitator and various utensils for use of manufacture of liquor was recovered. It is alleged that 55 litres of country made liquor was recovered from the village Kamraon, ward no. 11 situated near baswari of Ramu Mahto.

Learned counsel for the petitioners submitted that petitioners bears no criminal antecedent and others co-accused persons have already been granted bail by a co-ordinate Bench of this Court vide Cr. Misc. No. 2261 of 2022 dated 09.06.2022, the case of the petitioners stand more or less on similar footing. Petitioners are in custody since 09.11.2021. It has been submitted that nothing has been recovered from the possession of these petitioners rather recovery has been made from Bamboo clump situated in village.

The learned APP for the State opposes the prayer for bail of the petitioners.

Considering the facts and circumstances of the case and the period of custody is since 09.11.2021, petitioners are of clean antecedent and argument advanced on behalf of the learned counsel for the petitioners, let the petitioners above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like



amount each to the satisfaction of learned Additional Sessions Judge, II, cum Special Judge, Excise Samastipur, in connection with Dalsinghsarai P.S. Case No. 342/2021 (Computer Registration No. 728 of 2021), subject to following condition:

(i) one of the surety shall be either father or mother or sister or brother or wife or the person who sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates would be a ground for cancellation of bail by the learned trial court itself.

(Alok Kumar Pandey, J)

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