

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2727 of 2022

Arising Out of PS. Case No.-297 Year-2021 Thana- GOVERNMENT OFFICIAL COMP.
District- Gopalganj

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1. ASHOK KUMAR MAHTO Son of Chandan Mahto Resident of Village- Katra, Dhanaur, P.S.- Katra, District- Muzaffarpur.
 2. Pappu Sah Son of Ram Chandra Sah Resident of Village- Katra, Dhanaur, P.S.- Katra, District- Muzaffarpur.
 3. Sogarath Mahto Son of Charitra Mahto Resident of Village- Katra, Dhanaur, P.S.- Katra, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sheo Kumar Prasad
For the Opposite Party/s : Mr.Surendra Kumar

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 20-06-2022 Heard learned counsel for the petitioners and the

State.

Petitioners seek regular bail in a case registered for
the offence punishable under section 30(a) of the Bihar
Prohibition and Excise Act.

Allegedly, from a tempo about 190 liters of foreign
liquor was recovered and petitioners are alleged to travel by the
said tempo and as per prosecution recovery of alleged wine was
not made from conscious possession of the petitioners.

The main submissions advanced by the learned
counsel for the petitioners are that on the alleged tempo,



petitioners were simply travelling and they had no connection with the alleged vehicle and petitioners have no criminal antecedent and they have been rotting in jail since 9.10.2021.

Learned APP opposes the prayer for bail.

Having considered the above submissions, petitioners' custody period and also the fact that as per prosecution story, recovery of alleged wine was made from a tempo which was used for public transportation and petitioners have taken plea that at the time of alleged recovery they simply seated in the said tempo as passengers, let the petitioners be released 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 Additional Sessions Judge II-cum- Special Judge, Gopalganj in Excise Case No. 297 of 2021 on the following conditions:-

(1) Petitioners shall co-operate 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 their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

(2) If the petitioners tamper with the evidence or the witnesses, in that case the prosecution will be at liberty to



move for cancellation of bail.

(3) One of the bailers shall be close relative of the petitioners who has sworn affidavit in this miscellaneous petition.

The court below will verify the criminal antecedent of the petitioners but acceptance of bail bond will not be delayed on account of process of verification of the said criminal antecedent. If any criminal antecedent of the petitioners is found then the court below shall take serious action against them for cancellation of his bail bond.

(Shailendra Singh, J)

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