

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2695 of 2022

Arising Out of PS. Case No.-44 Year-2017 Thana- LAXMIPUR District- Jamui

SANJAY KUMAR @ SANJAY MAHTO @ SANJEET MAHTO Son of Late Mannu Mahto Resident of Village - Bedhna Pothma Per, P.s.- Barh, Distt.- Patna.

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajnish Chandra

For the Opposite Party/s : Mr.A.G.

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 petitioner and learned APP for the state.

The petitioner seeks regular bail in connection with Lakshmipur Giddaur P.S. Case No. 44 of 2017, registered for the offences punishable under Sections 30(a), 37(a), 47(a), 52 and 53 of the Bihar Prohibition and Excise Act, 2016.

As per prosecution case, informant received confidential information that some persons have brought illegal liquors from Jharkhand and which is to be kept near railway bridge and upon the said information, the raiding party proceeded towards railway bridge one of the co-accused was



apprehended by the police as per seizure list 314.95 litres of illegal country made liquors were recovered from near railway bridge and name of the present petitioner has been stated by co-accused Sonu Kumar.

Learned counsel for the petitioner submits that petitioner bears criminal history of two cases of similar nature on which he is on bail. Seeing at the place of occurrence and he is not connected with the said occurrence in anyway as petitioner has been tagged on the confessional statement of co-accused Sonu Kumar due to ill intention. Petitioner is in custody since 08.07.2021, charge-sheet has already been submitted and there is no chance of likelihood of tampering the evidence. One of the co-accused Bikku Paswan has already been granted bail by a co-ordinate Bench of this Court in Cr. Misc. No. 50389/2021 dated 23.02.2022, the case of the petitioner stands on similar footing.

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

Considering the facts and circumstances of the case, and the period of custody and arguments advanced on behalf of the learned counsel for the petitioner, let the petitioner 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 Add. District & Session Judge-II, Jamui cum Special Judge, Excise, Jamui, in connection with G.R. Case No. 546(a)/2017, arising out of Lakshmipur (Giddaur) P.S. Case No. 44 of 2017, subject to following condition:

(i) The petitioner shall be released after framing of charge.

(ii) 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.

(iii) 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)

Ranjeet/-

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