

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5793 of 2022

Arising Out of PS. Case No.-782 Year-2021 Thana- SARAIYA District- Muzaffarpur

1. Rabindra Mahato Son of Rajdeo Mahato Resident of Village - Basantpur Patti, P.S.- Saraiya, District - Muzaffarpur.
2. Rajdeo Mahato @ Rajdeo Mahto Son of Arjun Mahato Resident of Village - Basantpur Patti, P.S.- Saraiya, District - Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Yugal Kishore, Advocate.

For the Opposite Party/s : Mr. Sanjay Kumar, APP.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 29-06-2022 Learned counsel for the petitioners is permitted to remove defect(s), as pointed out by the office, if any, within a period of four weeks from today.

Heard Mr. Yugal Kishore, learned counsel for the petitioners as well as learned Additional Public Prosecutor for the State.

The application for grant of bail to the petitioners, above named, who have been made accused and put behind the bar in connection with Saraiya P. S. Case No. 782 of 2021 registered for the offences punishable under Sections 272, 273 read with 34 of the Indian Penal Code and Section 37(a) (b) (c) and 30 (a) of the Bihar Prohibition and Excise Act, 2016.



As per the prosecution case, it is alleged that the Police, on a secret information that Sima Devi and Vikash Kumar are indulged in a business of country-made wine, raided the house of Sima Devi and from their house 40 litres spirits were recovered. It is further alleged that these petitioners were apprehended from there, who were found in drunken position, when they have been examined by the breath analyser.

Learned counsel appearing on behalf of the petitioner submitted that nothing has been recovered from the person or possession of these petitioners and they have fair antecedent and are in custody since 22.11.2021 and as such, they have already punished appropriately for the alleged offence. It is further submitted the co-accused person in whose possession the alleged recovery has been made, she has already been granted bail by this court in Cr. Misc. No. 5395 of 2022 vide order dated 29.06.2022.

On the other hand, learned APP for the State opposes the bail application.

Having considered the submissions made on behalf of the parties and taking into account the fact that the petitioners were found in drunken condition for which they are in custody since 22.11.2021, let the petitioners, above named, be released



on bail on furnishing bail bonds of Rs. 10,000/- (Rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise, Muzaffarpur in connection with Saraiya P. S. Case No. 782 of 2021, subject to the condition that one of the bailors will be the close relative of the petitioners with further conditions which are as follows:-

- (i) The petitioners will cooperate in conclusion of the trial.
- (ii) They will remain present on each and every date of trial till disposal of the case.
- (iii) They will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.
- (iv) In the event of default of two consecutive dates without any cogent reason, their bail bonds will liable to be cancelled.

(Harish Kumar, J)

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