

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6017 of 2022

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

1. Krishna Mahto, S/o Gonu Mahto, R/o Vill- Khaira, P.S.- Saraiya (Jaitpur O.P.), Distt.- Muzaffarpur.
2. Dilip Kumar, S/o Naresh Kumar Mahto, R/o Vill- Radhanagar, P.S.- Mushahari, Distt- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajiv Kumar, Advocate
For the Opposite Party/s : Mrs. Renu Kumari, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 04-07-2022 Learned counsel for the petitioners is permitted to remove defect(s), as pointed out by the office, within a period of four weeks from today.

Heard Mr. Rajiv Kumar, 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 one Vikash Kumar and Seema Devi were indulged in a business of country-made wine, raided the house of the aforesaid accused persons. It is also alleged that these petitioners were only apprehended in intoxicated state whereas 20+20 litres raw spirit containing in respective gallons have been recovered from co-accused Vikash Kumar and Seema Devi.

Learned counsel appearing on behalf of the petitioners submitted that, in fact, nothing has been recovered from the person or possession of these petitioners and the petitioners are in custody since 22.11.2021, though, the investigation of the crime has already been completed and the charge-sheet has been submitted. It is further submitted that the petitioners are ready to give undertaking that they will co-operate in the trial and will remain present on each and every date of trial.

On the other hand, learned APP for the State opposes the bail application and submits that from the F.I.R., it is evident that the petitioners were indulged in business of country-made wine and recovery has been made from their possession.

Having considered the submissions made on behalf of the parties and taking into account the fact that the petitioners are in custody since 22.11.2021 and moreover, the investigation



of the crime has already been completed and the charge-sheet has been submitted, let the petitioners, above named, be released on bail on furnishing bail bonds of Rs.20,000/- (Rupees twenty thousand) each with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise Act, 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 areas 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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