

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9879 of 2022

Arising Out of PS. Case No.-471 Year-2021 Thana- GOVERNMENT OFFICIAL COMP.
District- Muzaffarpur

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Harendra Mahto @ Harindra Mahto S/o Late Jamun Mahto R/o village-
Tarsan, P.S.- Kudhani (Turki O.P.), District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Jitendra Narain Sinha
For the Opposite Party/s : Mr. Madhuri Lata, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 09-06-2022 Heard learned counsel appearing on behalf of the

petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within two weeks

of the complete start of the physical Court in normal course.

The petitioner seeks bail in connection with Excise
P.S. Case No. 471 of 2021 (P.R. No. 49 of 2021) registered for
the offence under Section 30(a) of the Bihar Prohibition and
Excise Act, 2016.

The accused/petitioner is named in the F.I.R. and is in
custody since 25.11.2021.

It is alleged that 35 liters of Toddy was recovered
from a thatched house belonged to the petitioner.

Learned counsel appearing on behalf of the petitioner



submitted that nothing incriminating has been recovered from the physical possession of the petitioner. It has further been submitted that the recovery has been made from an open place. It has also been submitted that chargesheet has already been submitted in this case, as such there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State while opposing the prayer for bail fairly conceded that the recovery has been made from an open place.

Considering the facts and circumstances as mentioned above, as the recovery has been made from an open place coupled with the fact that chargesheet has already been submitted in this case, let the petitioner, above named, is directed to be released on bail in connection with Excise P.S. Case No. 471 of 2021 (P.R. No. 49 of 2021) on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge (Excise) Court No.II, Muzaffarpur, subject to the following conditions:

“(i) That accused/petitioner shall not involve in the similar nature of offence till the conclusion of trial, failing the State



shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioner.

(ii) Accused/Petitioner shall cooperate in the trial and shall be properly represented on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court only on medical ground duly supported by the documents.

(iii) That one of the bailors shall be the close relative of the accused/ petitioner like mother/father/sister/brother.”

(Chandra Shekhar Jha, J)

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