

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9322 of 2022

Arising Out of PS. Case No.-242 Year-2021 Thana- BARGAINIA District- Sitamarhi

Naval Mahto Son Of Ramdev Mahto Resident Of Village- Patel Tola
Bairgania, P.S. Bairgania, District- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pushpendra Kumar Singh
For the Opposite Party/s : Mr.Lakshmi Kant Sharma

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 08-07-2022 Heard learned counsel for the petitioner and
learned A.P.P. for the State through virtual court proceeding.

Let the defect(s), if any, as pointed out by the office
be removed within four weeks from the date of resumption of
physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in
connection with Bairgania P.S. Case No. 242 of 2021
registered for the alleged offences under Section 30 (a) of the
Bihar Prohibition and Excise Amendment Act, 2018.

The prosecution case is that police received secret
information about three persons bringing illicit liquor to India
from Nepal. On seeing the police party, they threw the bags
they were carrying on their heads and escaped from there. The



petitioner and other co-accused persons were identified with the help of local *chowkidar* and from the bag thrown by the petitioner, 70.5 liters of country made liquor was recovered.

Learned counsel for the petitioner submits that petitioner has not been arrested from spot and nothing has been recovered from his possession. Charge sheet has been submitted in this case and the petitioner is in custody since 12.11.2021.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner.

Having regard to the submissions made hereinabove and considering the fact that charge sheet has been submitted and further considering the period of custody of the petitioner, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Additional District & Sessions Judge-II-cum-Special Judge(Excise), Sitamarhi in connection with Bairgania P.S. Case No. 242 of 2021, subject to the following conditions :

- (i) The bail bond of the petitioner will be accepted only after framing of the charge, if not already framed.



(ii) One of the bailors will be a close relative of the petitioner.

(iii) The petitioner will remain present on each and every date fixed by the court below.

(iv) In case of absence for three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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