

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12813 of 2022

Arising Out of PS. Case No.-104 Year-2021 Thana- DALSINGHSARAI District- Samastipur

Anil Mahto Son of Munilal Mahto Resident of Village- Par Dakshin Ward No. 10, P.S.- Dalsingsarai, District- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pankaj Kumar, Advocate

For the Opposite Party/s : Mr. Tapeswar Sharma, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 01-07-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State through video conferencing.

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 Dalsingsarai P.S. Case No. 104 of 2021
registered for the alleged offences under Sections 272, 273 of
the Indian Penal Code and Section 30(a) of the Bihar
Prohibition and Excise Act, 2016.

Allegedly, 1206 liters of India made foreign liquor
was recovered from a truck and petitioner was identified as one
of the accused persons who fled away from the spot.

The learned counsel for the petitioner submits that



nothing has been recovered from the person or possession of the petitioner who has not been apprehended from the spot. The co-accused driver of the truck who was arrested from the spot disclosed the name of one Deepak, on whose instance the liquor was brought and he did not name this petitioner. Similarly placed co-accused Ritesh Kumar has been granted bail by a coordinate Bench vide order dated 30.11.2021 in Criminal Misc. No. 51683 of 2021. Though the petitioner has been made accused in two other cases, he is on bail in both the cases. Learned counsel further submits that the charge-sheet has been submitted and petitioner is in custody since 24.12.2021.

Learned A.P.P. has opposed the submissions made on behalf of the petitioner.

Having regard to the submissions made hereinabove and considering the fact that similarly placed co-accused person has been allowed bail by a coordinate Bench coupled with the fact that the petitioner has not been apprehended from the spot and nothing incriminating has been recovered from him and the period of detention, 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 Special Excise Court-I, Samastipur in



connection with Dalsingsarai P.S. Case No. 104 of 2021 (Excise G.R. No. 1343 of 2021), subject to the following conditions :

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

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

(iii) 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)

ved/-

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