

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18155 of 2022**

Arising Out of PS. Case No.-106 Year-2022 Thana- LAKHISARAI District- Lakhisarai

Sanjay Kumar Mahto Son Of Yamuna Mahto Resident Of Village - Tilokhar,
P.S.- Lakhisarai (Amahra O.P.), Distt.- Lakhisarai.

... .. Petitioner/S

Versus

The State Of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajive Ranjan Singh

For the Opposite Party/s : Mr. APP

**CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER**

3 22-07-2022 Let the defect(s), as pointed out by the office, be removed within a period of four weeks from today.

Heard learned counsel for the petitioner and learned A.P.P. for the State in virtual court proceeding.

The petitioner seeks bail in connection with Lakhisarai (Amahara) P.S. Case No. 106 of 2022 registered for the offences punishable under Sections 30(a) of the Bihar Prohibition and Excise Act, 2018.

As per prosecution case, there is alleged recovery of 15 litre country made liquor from the house of the petitioner and petitioner was apprehended on the spot.

Learned counsel for the petitioner submits that petitioner is in custody since 04.02.2022 and bears one criminal history of the similar nature. Charge sheet has been submitted in



the case and there is no likelihood of tampering with the prosecution evidence. Learned counsel for the petitioner further submits that petitioner has no concern with the recovered liquor. Nothing has been recovered from the conscious possession of the petitioner and the name of the petitioner has been falsely implicated in this case. Seizure list has not been made as per law.

The learned A.P.P. for the State opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence and also taking into consideration the material available on record, let the petitioner above named be released on bail **after framing of charge** on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Fourth Additional District and Sessions Judge-cum-Exclusive Special Excise Court No. 1, Lakhisarai in connection with Lakhisarai (Amahara) P.S. Case No. 106 of 2022 subject to following conditions:-

(i) One of the bailors shall be either father or mother



or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Alok Kumar Pandey, J)

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