

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19625 of 2022

Arising Out of PS. Case No.-323 Year-2021 Thana- GAUTAMBUDHNAGAR District-
Siwan

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Upendra Mahto, S/O Hira Mahto, R/O Village- Rauza Gaur, P.S.- G.B. Nagar,
District- Siwan

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bijay Prakash Singh, Advocate
For the Opposite Party/s : Mr. Khurshid Anwar, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 15-07-2022 Heard learned counsel for the petitioner and learned
APP for the State through video conferencing.

Let the defect (s), as pointed out by the office, be removed within a period of 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 G.B. Nagar P.S. Case No. 323 of 2021 registered for the alleged offences under Sections 30(a), (D), 34, 36 and 41 (i) of Bihar Prohibition & Excise Act, 2016.

The prosecution case is that the police received secret information that the petitioner and other co-accused persons were manufacturing illicit liquor and selling it. When the police party reached at the spot, petitioner and co-accused fled away



from there. From the spot, about 30 liters of country made liquor was recovered along with a Gas Cylinder and two stoves.

Learned counsel for the petitioner submits that petitioner is innocent and has been falsely implicated in this case. Nothing incriminating has been recovered from his possession. Petitioner has no concern with the allegation made in the F.I.R about recovery of illicit liquor including the cylinder and stoves and the same do not belong to this petitioner. Charge-sheet has already been submitted and the petitioner is in custody since 01.01.2022.

Learned APP opposes the prayer for bail submitting that the petitioner is having criminal antecedents in similar nature.

Having regard to the facts and circumstances and considering the fact that petitioner has not been apprehended from the spot and recovery is from the open space coupled with 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 Exclusive Special Excise Court No. 1, Siwan in connection with G.B. Nagar P.S.



Case No. 323 of 2021 subject to the following conditions :

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

(ii) One bailor will be the deponent, who has sworn the affidavit, and another bailor 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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