

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21187 of 2022

Arising Out of PS. Case No.-8 Year-2020 Thana- GAUTAMBUDHNAGAR District- Siwan

SHIV JEE MAHTO SON OF LATE BHOJ MAHTO R/O- VILLAGE-
RAUJA GAUD, P.S.- G.B. NAGAR, DISTRICT-SIWAN

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Kumar Pandey

For the Opposite Party/s : Mr.Surendra Prasad Singh

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 09-06-2022 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.

The petitioner seeks regular bail in connection with
G.B. Nagar P.S. Case No. 08 of 2020 registered for the offences
punishable under Sections 30(a), 34, 36, 38, 41(i) of Bihar
Prohibition and Excise Act.

As per prosecution case, 55 litres illicit Mahua
wine was recovered from bamboo clump near Brahmsthan. As
per seizure list when query was made regarding the recovered
material, people of nearby disclosed the name of petitioner
along with other co-accused.

Learned counsel for the petitioner submits that



petitioner is in custody since 11.02.2022 and bears criminal antecedent of six cases and except two cases, he is on bail. He further submits that petitioner has been dragged in this case merely on suspicion. Nothing has been recovered from the possession of the petitioner and the alleged recovery is made from bamboo clump to which petitioner does not have any concern.

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

Considering the facts and circumstances of the case as well as period of custody 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. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, Excise-1, Siwan in connection with G.B. Nagar P.S. Case No. 08 of 2020, subject to following conditions:-

(i) One of the bailor shall be either father or mother or sister or brother or wife or the person who 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 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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