

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21556 of 2022

Arising Out of PS. Case No.-10 Year-2021 Thana- BALIGAON District- Vaishali

1. SHANKAR MAHTO Son of Muneshwar Mahto Resident of Village - Bela Sanghan, P.S.- Baligaon, District - Vaishali.
2. Rajendra Mahto Son of Muneshwar Mahto Resident of Village - Bela Sanghan, P.S.- Baligaon, District - Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Priyesh Kumar

For the Opposite Party/s : Mr.Sangeeta Sharma

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 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 Baligaon P.S. Case No. 10 of 2021 registered for the offences punishable under Section 30 (a) of the Bihar Prohibitions and Excise Act, 2018.

As per prosecution case, there is alleged recovery of 90 litres country made liquor from the house of petitioner no. 1 namely Sankar Mahto and 90 litres country made liquor and 80 litres semi furnished liquor from the house of petitioner no. 2



namely Rajendra Mahto.

Learned counsel for the petitioner submits that petitioner are in custody since 24.02.2022 and bear no criminal antecedent. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. Learned counsel further submits that petitioners were not apprehended on the spot. Nothing has been recovered from the conscious possession of the petitioners and they have been falsely implicated in the case due to dirty village politics and petitioners have no concern with the recovered liquor. Seizure list has not been made in presence of the independent witnesses and not complied Section 100 of the Cr.P.C.

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, keeping in view clean antecedent of petitioner and petitioners were not apprehended on the spot, 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 on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties



of the like amount each to the satisfaction of learned Exclusive Special Excise Court No. 1 cum Additional Sessions Judge Vaishali at Hajipur in connection with Baligaon P.S. Case No. 10 of 2021, 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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