

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22125 of 2022

Arising Out of PS. Case No.-124 Year-2021 Thana- BALIGAON District- Vaishali

1. Santosh Mahto Son Of Devendra Mahto R/O Village- Chackjado, P.S.- Baligaon, District- Vaishali
2. Devendra Mahto Son Of Jhalsu Mahto R/O Village- Chackjado, 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. Narsingh Tanti

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 05-08-2022 Heard learned counsel for the petitioners and learned APP for the State through virtual court proceeding.

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 petitioners seek bail in connection with Baligaon P.S. Case No. 124 of 2021 registered for the alleged offences under Sections 30(a) (c) of the Bihar Prohibition and Excise Act, 2018.

As per prosecution case, the police received secret information about the petitioners and the co-accused preparing illicit country made liquor and selling the same. A raid was conducted at the hut of the petitioners and 80 liters of illicit country made liquor



was recovered along with some implements for manufacturing of the same. 2400 liters of semi prepared country made liquor was destroyed at the said place. The petitioners and co-accused persons fled away from the spot when the raid was being conducted.

Learned counsel for the petitioners submits that the recovery has been made from a hut and the petitioners and his family members were not residing there and they have no knowledge about the articles kept in that hut. Seizure list has not been prepared in accordance with the provisions of law. There is no independent witness to the alleged occurrence. Moreover, the petitioners were not apprehended from the spot and nothing has been recovered from their conscious possession. Charge sheet has been submitted in this case and the petitioners are in custody since 24.02.2022.

Learned APP opposes the prayer for bail of the petitioners submitting that the petitioners are involved in manufacturing illicit liquor.

Having regard to the submission made hereinabove and considering the fact that the petitioners were not apprehended from the spot and nothing has been recovered from their conscious possession and further considering the submission of charge sheet as well as the period of custody of the petitioners, the petitioners above named are directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) each 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. 124 of 2021, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions:

- (i) The bail bond of the petitioners will be accepted only after framing of charge, if not already framed.
- (ii) One of the bailors will be the person, who has sworn the affidavit.
- (iii) The petitioners will remain present on each and every date fixed by the court below.
- (iv) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioners will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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