

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.23313 of 2022**

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

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Ajay Mahto Son of Devendra Mahto, Resident of village - Chackjado, P.S.-  
Baligaon, District - Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.Priyesh Kumar, Adv.

For the Opposite Party/s : Mr.Narsingh Tanti, APP

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**CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN**

ORAL ORDER

2      03-08-2022                      Let the defect, if any, be removed within two 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  
Baligaon P.S. Case No. 124 of 2021 lodged under Sections 30(a)  
(c) of the Bihar Prohibitions and Excise Act, 2018.

Learned counsel for the petitioner submits that there  
are three persons, the petitioner, his brother and his father, all  
were made accused by the police on the allegation that they  
used to prepare Mahua Sharab. Learned counsel for the  
petitioner further submits that petitioner was not arrested from  
the spot, as such nothing was recovered from the conscious  
possession of the petitioner but the alleged recovery was made

from the half constructed house of the petitioner's father. The allegation of recovery of 80 liter Desi wine along with 2400 liter half prepared Mahua wine was also recovered from the house. The petitioner is in custody since 24.02.2022, charge sheet has already been filed and he has clean antecedent.

Learned counsel for the State opposes the prayer for bail.

In the present facts and circumstances of the case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.50,000/- (Rupees Fifty 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. 124 of 2021, subject to the conditions as laid down under Section 437(3) of Cr.P.C. with other following conditions:

A. The petitioner shall support in trial and shall appear physically before the lower court on each and every date fixed, in case of non-appearance for two consecutive dates without sufficient cause, shall resulted into cancellation of his bail bond.

B. One of the bailor shall be close relative who shall

file affidavit before the court about his relation with the petitioner.

C. The petitioner shall file an affidavit at the time of furnishing of bail bond that he shall not involve in such criminal activity during the continuance of present bail bond, violation of this condition shall be resulted into cancellation of his present bail bond.

With this observation, the bail application stands allowed.

**(Dr. Anshuman, J.)**

ravishankar/-

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