

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24884 of 2022

Arising Out of PS. Case No.-8 Year-2022 Thana- MAKER District- Saran

1. SUKESHWAR MAHTO Son of Pudina Mahto Resident of Village - Mahesh Chapra , P.s.- and Distt.- Saran.
2. Sunni Singh @ Suni Kumar Singh Son of Vinay Singh Resident of Village - Parshurampur, P.s.- Amnaur, Distt.- Saran.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ankur Prakash Sinha, Advocate
For the Opposite Party/s : Mr. Jitendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 21-07-2022 Heard learned counsel for the petitioners and learned counsel for the State.

Let the defect(s), if any, as pointed out by the office be removed within four weeks.

The petitioners are in judicial custody in connection with Maker P.S. Case No. 08/2022 for the offences under Sections 272, 273, 328, 308, 304 and 120(B)/34 of the Indian Penal Code and Section 30(a), 37(b), 33 and 34 of the Bihar Prohibition and Excise Act.

The allegation in the FIR is that police got information through a viral video that one Md. Isha Tailer has died after consuming spurious liquor. Upon reaching his house,



the villagers informed about the alleged spurious liquor being manufactured by Munna Mahto and Birendra Mahto. Accordingly, the police raided their house and recovered 1.600 liters of spurious liquor from their house. Birendra Mahto was nabbed and thereafter their shop was also raided from where 380 liters of spurious liquor was recovered/seized from northern room while 9.420 liters of English wine and 220 liters of mix wine and 10 liters of country made wine along with cough syrup and empty bottles, packing machine and other materials were recovered/seized by the police.

It has further been alleged in the FIR that after drinking the said spurious liquor from the shop of Munna Mahto and Birendra Mahto, number of people died. The names of people who died were Ramnath Mahto, Md. Isha Tailer and Samar Mahto while Paltan Mahto and Suraj Baitha were under treatment.

After lodging of the FIR, the accused persons were arrested.

Learned counsel for the petitioner submits that there has been no recovery/seizure of the illicit liquor from either their possession or their house and only because of the confessional statement of the accused, Birendra Mahato, he is in



custody since 24.01.2022 (as stated in paragraph-15 of the bail application). He further submits that the petitioner do not have criminal antecedent.

Taking into account the aforesaid facts that allegation of manufacturing as also selling of the spurious liquor is/are attributed mainly to Munna Mahto and Birendra Mahto from whose shop/house the alleged materials have been recovered/seized and the petitioner herein remained in custody since 24.01.2022 as also the charge sheet stands submitted, this Court is inclined to grant him the privilege of bail.

Let the petitioners be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of like amount each to the satisfaction of learned 2nd Exclusive Special Excise Court, Saran at Chapra in connection with Maker P.S. Case No. 08 of 2022, subject to the following conditions:-

(i) one of the bailor should be the family member of the petitioners, who shall provide official document to show his/her *bona fide*;

(ii) the petitioners shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reasons will entail their cancellation of bail by the Trial Court itself;



(iii) they shall appear before the concerned police station every fortnight for next six months to mark his presence;

(iv) they shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of their bail bonds;

(v) the petitioners shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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