

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25598 of 2022

Arising Out of PS. Case No.-76 Year-2022 Thana- SUPPI District- Sitamarhi

=====

LAXMI KUMAR MAHTO Son of Jaisulal Mahto Resident of Village - Sangram Fundah, P.S.- Riga, District - Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Virendra Kumar, Advocate

For the Opposite Party/s : Mr. Mukeshwar Dayal, APP

=====

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 06-08-2022 Heard learned counsel for the petitioner and learned APP for the State through video conferencing in view of the COVID 19.

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

The petitioner is an accused in connection with Suppi P.S. Case No. 76 of 2022 registered under Section 30(a) of the Bihar Excise and Prohibition Act.

The prosecution case, in short, is that on information co-accused Niraj Singh and Sanjay Mahto along with their associates were concealing illicit wine near middle school Basant Khurd the police moved towards the place of occurrence. On seeing police party, all the five persons started fleeing away. Anyhow three of them was apprehended,



petitioner herein is one of them. On search, 234 liters of Nepali Saufi wine was recovered. Accordingly, the FIR was lodged and the petitioner has been taken into custody.

Learned counsel for the petitioner submits that there has been recovery/seizure of 234 liters of Nepali Saufi wine for which three accused persons were apprehended, the petitioner being one of them. He further submits that he had no role to play in the alleged recovery, was a passerby but has falsely been implicated in the case. He further submits he has no criminal antecedent and he is in custody since 16.03.2022 (as stated in paragraph-15 of the bail application).

Be that as it may be, considering the fact that charge sheet stands submitted and the petitioner has no criminal antecedent as also the fact the he is in custody since 16.03.2022, this Court is inclined to grant him the privilege of bail.

Let the petitioner 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 Special Judge Exclusive Excise Court -I, Sitamarhi in connection with Suppi P.S. Case No. 76 of 2022, subject to the following conditions:-

(i) one of the bailor should be the family member of the petitioner, who shall provide official document to show



his/her *bona fide*;

(ii) the petitioner 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 his cancellation of bail by the Trial Court itself;

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

(iv) the petitioner 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)

Jagdish/-

U		T	
---	--	---	--

