

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27052 of 2022

Arising Out of PS. Case No.-74 Year-2022 Thana- CHAPRA TOWN District- Saran

Mithun Mahto Son Of Late Sudama Mahto R/O- Vill- Rupganj Adda No. 2,
P.S.- Nagar, District- Saran

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 27129 of 2022

Arising Out of PS. Case No.-74 Year-2022 Thana- CHAPRA TOWN District- Saran

Vikram Mahto @ Vikram Kumar Mahto Son Of Late Dadan Mahto Resident
Of Village - Rupganj Adda No.2, P.S.- Nagar, Distt.- Saran.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 27052 of 2022)

For the Petitioner/s : Mr.Ajit Kumar Singh

For the Opposite Party/s : Mr.Suresh Prasad Singh

(In CRIMINAL MISCELLANEOUS No. 27129 of 2022)

For the Petitioner/s : Mr.Ajit Kumar Singh

For the Opposite Party/s : Mr.Akshay Lal Pandit

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 26-08-2022 Heard learned counsel for the petitioners and learned
APP for the State.

Learned counsel for the petitioners undertakes to
remove the defects within three weeks. In the eventuality of
non-removal of defects within undertaken period, the office will
place the matter before the Bench.

The petitioners are apprehending his arrest in a case
registered for the offence punishable under Section 30(a)/41(i)



(ii) of the Bihar Prohibition and Excise Act.

Learned counsel for the petitioners submits that petitioners are innocent and have been falsely implicated in this case. He submits that there is no recovery from the conscious possession of the petitioners rather 420 liters of foreign liquor is said to have recovered in front of the house of the petitioners. He further submits that petitioner in Cr. Misc. No. 27052 of 2022 has two criminal antecedents whereas petitioner in Cr. Misc. No. 27129 of 2022 has no criminal antecedent as stated in para-3 of the bail application.

Petitioners are agreed to deposit a sum of Rs. 40,000.00 (Rupees Forty Thousand) each in the Bihar Kishore Nyay Nidhi, Apna Ghar, Near Lalit Bhawan, Bailey Road Patna, bearing Saving Account No. 35094613009, State Bank of India, Branch Name Patna Secretariat Sinchai Bhawan, Branch Code-153, IFSC Code-SBIN0000153.

Considering the facts and circumstance of the case, let the above named petitioners, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be enlarged on bail on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned



court below where the case is pending/successor court in connection with Nagar P.S. Case No. 74 of 2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C., with further conditions:

(1) that one of the bailors will be a close relative of the petitioners, who will give an affidavit giving genealogy as to who he is related with the petitioners. He will also undertake to inform the court if there is any change in the address of the petitioners.

(II) that the bailor shall also stated on affidavit that he will inform the Court concerned if the petitioners are implicated in any other case of similar nature after their release in the present case and thereafter the Court below will be at liberty to initiate proceeding for cancellation of bail on the ground of misuse.

The bail bond of the petitioners shall be accepted by the learned Court below on showing receipt of the aforesaid amount in the Bihar Kishore Nyay Nidhi, Apna Ghar, Near Lalit Bhawan, Bailey Road Patna.

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(Anjani Kumar Sharan, J)

