

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28336 of 2022

Arising Out of PS. Case No.-59 Year-2021 Thana- ISUAPUR District- Saran

Sanjay Mahto, S/O Laxman Mahto, R/O Village- Dhama Parsa, P.S.- Issuapur,
District- Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Harsh Anuj, Advocate

For the Opposite Party/s : Mr. Sanjay Kumar Sharma, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 05-08-2022 Learned counsel for the petitioner is permitted to remove the defect(s), as pointed out by the office, within a period of four weeks from today.

Heard Mr. Harsh Anuj, learned counsel appearing on behalf of the petitioner and the learned APP for the State.

The petitioner seeks regular bail, who is in custody in connection with Issuapur P.S. Case No. 59 of 2021 registered for the offences punishable under section 30, 30 (a), 33 and 36 of Bihar Prohibition and Excise, Act.

As per prosecution case, it is alleged that the police on a secret information that some persons are indulged in buying and selling the illicit liquor, conducted raid and from the Bamboo orchard, situated behind the house of the petitioner, 720 litres of spirit was recovered. It is further alleged that the



name of the petitioner has been disclosed by the local Chaukidar.

It is submitted by the learned counsel for the petitioner that the petitioner was neither arrested at the spot nor any incriminating material has been recovered from the person or possession of this petitioner. It is further submitted that the name of the petitioner has been disclosed by the local Chaukidar and save and except the disclosure made by the Chaukidar there is no material, which suggests the complicity of the petitioner. It is also submitted that because of the past criminal antecedent of the petitioner, he has been made accused in this case, however, he is on bail in all the cases, except present one. It is lastly submitted that the petitioner is in custody since 07.04.2022, moreover the investigation of the crime is completed and charge-sheet has been submitted.

On the other hand, learned APP for the State opposes the bail application.

Having regard to the submissions made on behalf of the parties and considering the fact that the alleged recovery has been made from a Bamboo orchard, which is accessible to all and there is no other material suggesting the complicity of the petitioner and moreover he is in custody since 07.04.2022 and



moreover the investigation of the crime is completed and charge-sheet has been submitted, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned 1st Exclusive Special Judge, Saran at Chapra in connection with Issuapur P.S. Case No. 59 of 2021 to the condition that one of the bailors will be the close relative of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) The court below shall verify the criminal antecedent of the petitioner and in case, at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take immediate step for cancelling the bail



bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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