

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL MISCELLANEOUS No.27517 of 2022**

Arising Out of PS. Case No.-8 Year-2022 Thana- GOVERNMENT OFFICIAL COMP.  
District- Vaishali

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Hira Mahto Son Of Late Ramdayal Mahto R/O- Village- Terasiya, Ward No  
12,P.S.- Ganga Bridge, District- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Shivji Singh, Advocate.  
For the Opposite Party/s : Mr. Manoj Kumar, APP.

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**CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR**  
ORAL ORDER

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

Heard Mr. Shivji Singh, learned counsel for the  
petitioner as well as Mr. Manoj Kumar, learned Additional  
Public Prosecutor for the State through video conference.

The application for grant of bail to the petitioner,  
above named, who has been made accused and put behind the  
bar in connection with C2A Case No. 08 of 2022 registered for  
the offences punishable under Sections 30 (a), 32 (i), 32(iii), 41  
(2) of the Bihar Prohibition and Excise Act, 2018.

As per the prosecution case, it is alleged that the  
Police on a secret information, intercepted a Pick-Up van and on



search, 750 Kg. *Bhang* was recovered and one Laxman Kumar, who was driving the Pick-Up Van, was apprehended at the spot.

Learned counsel appearing on behalf of the petitioner submitted that the petitioner was neither arrested at the spot nor any incriminating material has been recovered from his person or possession. It is further submitted that save and except the disclosure made by the apprehended person, there is no other material, which suggests the complicity of the petitioner in the present crime. It is next submitted that the apprehended person Laxman Kumar from whose possession the recovery has been made has already been granted bail by this Hon'ble Court in Cr. Misc. No. 8133 of 2022 vide order dated 11.04.2022. It is lastly submitted that the petitioner is in custody since 05.04.2022, having fair antecedent.

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

Having considered the submissions made on behalf of the parties and taking into account the fact that the petitioner has neither arrested at the spot nor any incriminating material has been recovered from his person or possession and moreover, the other co-accused person, from whose possession recovery has been made, has already been granted bail by this Hon'ble



Court, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive special Excise Court-II-cum-Additional District and Sessions Judge, Vaishali at Hajipur in connection with C2A Case No. 08 of 2022, subject 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.

**(Harish Kumar, J)**

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