

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28346 of 2022

Arising Out of PS. Case No.-95 Year-2022 Thana- AMNAUR District- Saran

Surendra Mahto, Son Of Jitan Mahto, Resident of Village - Amnaur Dih,
Nonia Toli, P.S. - Amnaur, District - Saran- 841401.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Surendra Kishore Thakur, Advocate
For the Opposite Party/s : Mr. Rajendra Singh, 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. Surendra Kishore Thakur, 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 Amnaur P.S. Case No. 95 of 2022 registered for the offences punishable under Sections 272, 273 of the Indian Penal Code read with section 30(a) of the Bihar Prohibition and Excise Act.

As per prosecution case, it is alleged that the police on a secret information conducted a raid and on search being made total 365 litres of illicit country made liquor was recovered from the house of the petitioner.



It is submitted by the learned counsel for the petitioner that the alleged recovery has been made from a joint family house where several persons reside and the petitioner cannot be held responsible for the recovery. It is further submitted that because of the past criminal antecedent, the name of the petitioner has been implicated in this case. It is next submitted that this petitioner is in custody since 11.04.2022 and the investigation of the crime is completed and charge-sheet has been submitted, apart from the fact that there is other infirmities in the preparation of seizure list.

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 joint family house and moreover this petitioner is in custody since 11.04.2022 and the investigation of the crime is completed and charge-sheet has been submitted and there is no likelihood of commencement of trial in near future, 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 Special Judge, Excise, Saran at Chapra in connection with Amnaur P.S. Case No. 95 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.

(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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