

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28486 of 2022

Arising Out of PS. Case No.-122 Year-2022 Thana- CHANPATIA District- West Champaran

Lalan Mahto Son Of Mahanth Mahto R/O Village- Garbhuwa Lala Tola, P.S.-
Sirisiya O.P., District- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar Shrivastava, Advocate

For the Opposite Party/s : Mr. Dr. Kumar Uday Pratap, A.P.P

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 06-08-2022 Heard learned counsel for the petitioner and Mr. Dr.
Kumar Uday Pratap, learned A.P.P for the State.

Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

The petitioner seeks bail in connection with a case
registered for the offences punishable under Section 30(a) of
Bihar Prohibition and Excise Act.

Allegation is of recovery of 12 liters countrymade liquor
in a galen from the passage of the house of the petitioner.

Learned counsel for the petitioner submits that the
petitioner is innocent and the said illicit liquor was recovered
from the ancestral house of the petitioner. No incriminating
articles have been recovered from the conscious possession of
the petitioner. It is submitted that mandatory provision of Sub-



section 2 of Section 74 and Section 82 of the Bihar Prohibition and Excise Act with respect to search and seizure have not been followed. It is further submitted that the petitioner is in custody since 13.03.2022 and has antecedent of five cases.

Learned APP for the State opposes the prayer for bail.

Considering the aforesaid facts and circumstances as well as the fact that petitioner has got criminal antecedent of similar nature of cases, I am not inclined to grant bail to the petitioner and same is, accordingly, rejected. However, the learned court below, where the case is pending, is directed to release the petitioner on bail, **after framing of the charge**, in connection with Chanpatia (Sirisiya O.P.) P.S. Case No. 122 of 2022, in addition to subject to the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(2) One of the bailors will be his own blood relation, preferably father, mother, brother, sister and or his wife.

(3) The bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present



case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.

(4) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Khatim Reza, J)

Gaurav Kumar/-

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

