

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29434 of 2022

Arising Out of PS. Case No.-266 Year-2021 Thana- NARDIGANJ District- Nawada

Surendra Mahto, S/o Late Ramchandra Mahto, Resident of Village- Buchchi,
P.S.- Nardiganj, Dist.- Nawada.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Birendra Kumar, Advocate

For the Opposite Party/s : Mr. Bhanu Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 11-08-2022 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. Birendra Kumar, 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 Nardiganj P.S. Case No. 266 of 2021 registered for the offences punishable under Sections 30(a)/30(d)/41 of the Bihar Prohibition and Excise Act, 2016.

As per the prosecution case, it is alleged that the police on secret information that some persons are manufacturing illegal wine, conducted raid, however, on noticing the police party accused persons fled away. The petitioner was identified by local Chaukidar. On search, total 4



litres of country made Mahua liquor and other utensils were recovered on the bank of river. It is also alleged that 600 litres of Jawa Mahua was destroyed by the police.

Learned counsel appearing on behalf of the petitioner submits that the petitioner was neither arrested at the spot nor any incriminating material was recovered from his person or possession. It is further submitted that the alleged recovery has been made from a bank of the river, which is accessible to all and not within the possession of this petitioner. It is further submitted that the falsity of the prosecution case is also evident from the fact that the F.I.R. was registered on 18.11.2021, but the same has been sent to the Court on 26.11.2021 after delay of eight days which makes the entire prosecution case suspicious. It is lastly submitted that this petitioner is in custody since 24.02.2022, having fair antecedent.

Moreover, learned counsel for the State oppose the bail application.

Having regard to the submissions made on behalf of the parties and considering the fact that the petitioner was neither arrested at the spot nor any incriminating material has been recovered and moreover the petitioner having fair antecedent is in custody since. 24.02.2022, 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 Exclusive Special Excise Court No. II, Nawada in connection with Nardiganj P.S. Case No. 266 of 2021, 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)

uday/-

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

