

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30729 of 2022

Arising Out of PS. Case No.-82 Year-2022 Thana- DALSINGHSARAI District- Samastipur

DHARMENDRA MAHTO ALISH DHARMENDRA KUMAR MAHTO Son
of Late Raj Kumar Mahto Resident of Village-Garhsisai, P.S.-Vidyapatinagar,
District-Samastipur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rohit Raj, Advocate.

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

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 26-08-2022 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. Rohit Raj, learned counsel for the petitioner as well as Mr. Ramchandra Singh, 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 Dalsinghsarai P. S. Case No. 82 of 2022 registered for the offences punishable under Section 30 (a) of the Bihar Prohibition and Excise (Amendment) Act.

As per the prosecution case, it is alleged that while the police party was on patrolling duty, they received an



information that all the three sons of Raj Kumar Mahto including the petitioner brought a huge consignment of illicit liquor and kept in the field of Shayam Babu Choudhary. The police conducted raid and the petitioner was apprehended and on search altogether 211.5 litres Indian made foreign liquor kept on five motorcycles were recovered.

Learned counsel appearing on behalf of the petitioner submitted that the alleged recovery has been made from the field of Shayam Babu Choudhary and only because of past criminal antecedent of the petitioner, he has been made accused in this case. It is further submitted that the petitioner has neither any concern with the field of Shayam Babu Choudhary nor with the recovered illicit wine. It is next submitted that there are other infirmities in the preparation of the seizure list and moreover, the petitioner is in custody since 13.03.2022 in as much as after completion of the investigation, the charge sheet has been submitted.

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 alleged recovery has been made from the field of Shayam Babu



Choudhary and the petitioner has neither any concern with the place from where recovery has been made nor with the alleged illicit wine, let the petitioner, above named, 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-I, Samastipur in connection with Dalsinghsarai P. S. Case No. 82 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 step for cancelling of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Harish Kumar, J)

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