

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33291 of 2022

Arising Out of PS. Case No.-196 Year-2022 Thana- KANTI District- Muzaffarpur

1. RAKESH KUMAR MAHTO @ RAKESH MAHTO @ DHANNA SETH
SON OF MISHRI LAL MAHTO RESIDENT OF VILLAGE -
HARSINGHPUR NAUTAN P.S- SAKRA, DIST- MUZAFFARPUR
2. MANOJ PASWAN SON OF RAM KEWAL PASWAN RESIDENT OF
VILLAGE- KORIGAMA , P.S- SAKRA , DIST- MUZAFFARPUR

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manoj Kumar
For the Opposite Party/s : Mrs.Rita Verma

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 12-08-2022 Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

Heard learned counsel for the petitioners and
learned A.P.P. for the State in virtual court proceeding.

The petitioners seek bail in connection with Kanti
P.S. Case No. 196 of 2022 registered for the offences punishable
under Sections 30(a), 32(1) (II), 36, 41(1) of the Bihar
Prohibition and Excise Act.

As per prosecution case, there is alleged recovery
of 420.750 litre illicit foreign liquor from the car in question and
petitioners along with other was apprehended on the spot.

Learned counsel for the petitioners submits that



petitioners are in custody since 29.03.2022. Petitioner no. 1 bears criminal antecedent of four cases in which two cases are of similar nature and petitioner no. 2 bears two criminal antecedent of similar nature. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. He further submits that nothing incriminating article has been recovered from physical possession of the petitioners. Petitioners are neither owner nor driver of the alleged seized car. Petitioners have no concern with the alleged seized liquor nor they have involved in any trade of illicit liquor.

The learned A.P.P. for the State opposes the prayer for bail of the petitioners.

Considering the facts and circumstances of the case, period of custody, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence and also taking into consideration the material available on record, let the petitioners above named be released on bail, **after framing of charge** on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise Court No. II, Muzaffarpur in connection



with Kanti P.S. Case No. 196 of 2022, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioners will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

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

(Alok Kumar Pandey, J)

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