

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29114 of 2022**

Arising Out of PS. Case No.-54 Year-2022 Thana- HAJIPUR SADAR District- Vaishali

GANESH MAHTO S/O LATE PRAHLAD MAHTO RESIDENT OF
VILLAGE- TARMA MAGARPAL, P.S.- DARIYAPUR, DIST. -SARAN AT
CHAPRA.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 30266 of 2022

Arising Out of PS. Case No.-54 Year-2022 Thana- HAJIPUR SADAR District- Vaishali

SATYA NARAYAN MAHTO SON OF LATE DEV MAHTO R/O
VILLAGE- TARMA MAGARPAL, P.S.- DARIYAPUR, DISTRICT- SARAN
AT CHAPRA.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 29114 of 2022)

For the Petitioner/s : Mr.Satya Prakash Sinha

For the Opposite Party/s : Mr.Narendra Kumar Singh

(In CRIMINAL MISCELLANEOUS No. 30266 of 2022)

For the Petitioner/s : Mr.Satya Prakash Sinha

For the Opposite Party/s : Mr.Chandra Sen Pd. Singh

**CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER**

2 08-08-2022 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.

The petitioners seek bail in connection with Hajipur



Sadar P.S. Case No. 54/2022 registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise (Amended) Act, 2018.

As per prosecution case, there is alleged recovery of total 75 liters country made liquor from Diara land. The petitioners were apprehended on the spot.

Learned counsel for the petitioners submits that petitioners are innocent and have falsely been implicated in this case merely on suspicion. Nothing has been recovered from the conscious possession of the petitioners. He further submits that the petitioners were neither concerned with the alleged seized liquor nor from where the so-called liquor was recovered. The petitioner is languishing in custody since 27.01.2022 and bear no criminal antecedent. Charge sheet has been submitted in this case and there is no likelihood of tampering with the prosecution evidence.

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

Considering the facts and circumstances of the case, period of custody, charge sheet has already been submitted and keeping in view clean antecedent of petitioners and also taking into consideration the material available on record, let the



petitioners above named be released on bail 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 Exclusive Special Excise Court No.1 cum Additional District and Sessions Judge, Vaishali at Hajipur in connection with Hajipur Sadar P.S. Case No. 54/2022, 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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