

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32103 of 2022**

Arising Out of PS. Case No.-37 Year-2022 Thana- SAKRA District- Muzaffarpur

Mahesh Mahto, S/o Late Raghunath Mahto, R/o Vill.- Majhauria, P.S.- Sakra,
Dist.- Muzaffarpur, Bihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Khurshid Anwar, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 26-08-2022 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. Anuj Kuamr, learned counsel for the petitioner and learned APP for the State through video conference.

The petitioner seeks regular bail, who is in custody in connection with Sakra P.S. Case No. 37 of 2022 registered for the offences punishable under Sections 272, 273/34 of the Indian Penal Code and Section 30 (a) of the Bihar Prohibition and Excise Act, 2018.

As per prosecution case, it is alleged that the police on a secret information that accused persons named in the F.I.R.



including the petitioner have kept illicit liquor in a room built for agricultural purposes, raided the place of occurrence and on search total 175.995 litres of foreign liquor was recovered.

Learned counsel appearing on behalf of the petitioner submits that admittedly the alleged recovery has been made from a room built for agricultural purposes on the land of Ram Narayan Prasad, which does not belong to the petitioner. It is next submitted that the petitioner was neither arrested at the spot nor any incriminating material has been recovered and save and except the disclosure made by the police official, there is no material against the petitioner. It is lastly submitted that the petitioner is in custody since 16.04.2022, having fair antecedent.

On the other hand learned APP for the State opposes the bail application.

Having regard to the submissions made on behalf of the parties and considering the fact that the alleged recovery has been made from the room of Ramnarayan Prasad built for agricultural purposes and the petitioner was neither arrested at the spot nor any incriminating material has been recovered, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned



Exclusive Special Excise Court No.-I, Muzaffarpur in connection with Sakra P.S. Case No. 37 of 2022, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain physically 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)

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