

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL MISCELLANEOUS No.32663 of 2022**

Arising Out of PS. Case No.-206 Year-2021 Thana- PATLIPUTRA District- Patna

DEV KUMAR @ DEV KUMAR MAHTO S/o Sarangi Mahto @ Surendra  
Mahto R/o village- Pahleja, P.S.- Sonapur, District- Saran, Bihar

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Nagadeo Choubey  
For the Opposite Party/s : Mr.Anita Kumari

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

2      11-08-2022                      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 petitioner and  
learned A.P.P. for the State.

The petitioner seeks bail in connection with  
Patliputra P.S. Case No. 206 of 2021 registered for the offences  
punishable under Sections 30(a) of the Bihar Prohibition and  
Excise Amendment Act.

As per prosecution case, there is alleged recovery  
of 692 litres country made liquor from place of occurrence.  
Apprehended persons disclosed the name of present petitioner  
who fled away from the spot.

Learned counsel for the petitioner submits that  
petitioner is in custody since 21.04.2022. Petitioner bears no



criminal antecedent. Charge sheet has already been submitted in the case and there is no likelihood of tampering with the prosecution evidence. Learned counsel further submits that nothing has been recovered from the possession of the petitioner. Petitioner is not apprehended on spot. Name of petitioner has been transpired in this case on the confessional statement of the co-accused persons. Petitioner has no concern with the seized liquor.

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

Considering the facts and circumstances of the case as well as period of custody, petitioner is not apprehended on spot, charge-sheet has already been submitted and there is no likelihood of tampering with the prosecution evidence, keeping in view clean antecedent of the petitioner and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise at Patna in connection with Special Case No. 2731 of 2021, 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) Petitioner 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 petitioner tampers 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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