

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.33083 of 2022**

Arising Out of PS. Case No.-42 Year-2022 Thana- PURNAHYA District- Sheohar

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VIJAY MAHTO @ VIJAY MAHATO S/o Bhikhar Mahto @ Bikhar Mahato  
R/o Dostiyan, P.S.- Purnahiya, District- Sheohar

... .. Petitioner/s

Versus

THE STATE OF BIHAR PATNA

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.Hans Lal Kumar

For the Opposite Party/s : Mr.Binod Kumar

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**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 petitioner and  
learned A.P.P. for the State in virtual court proceeding.

The petitioner seeks bail in connection with  
Purnahiya P.S. Case No. 42 of 2022 registered for the offences  
punishable under Section 30(a) of the Bihar Prohibition and  
Excise Act, 2016.

As per prosecution case, there is alleged recovery  
of total 506 bottles containing 300 ml. each Nepali country  
made liquor from the place of occurrence and petitioner was  
apprehended on the spot.

Learned counsel for the petitioner submits that  
petitioner is in custody since 08.03.2022 and bears no criminal



antecedent. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. He further submits that no incriminating article has been recovered either from conscious possession of the petitioner or from his house. Petitioner has no concern with the recovered wine. Seizure list has not been prepared as per law.

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

Considering the facts and circumstances of the case, period of custody, keeping in view clean antecedent of petitioner, 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 petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge II cum Special Judge (Excise), Sheohar in connection with Purnahiya P.S. Case No. 42 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) 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)**

shahzad/-

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