

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33074 of 2022

Arising Out of PS. Case No.-140 Year-2021 Thana- BATHNAHA District- Sitamarhi

BRAJESH MAHTO @ BRAJESH KUMAR Son of Shambhu Sharan Bhagat
Resident of Village - Haribela, P.s.- Bathnaha, Distt.- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Hans Lal Kumar

For the Opposite Party/s : Mr.Dashrath Mehta

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
Bathnaha P.S. Case No. 140 of 2021 registered for the offences
punishable under Section 30(a) of the Bihar Prohibition and
Excise Act.

As per prosecution case, there is alleged recovery
of 3598.350 litre illicit foreign liquor from the truck in question.

Learned counsel for the petitioner submits that
petitioner is not named in the FIR and during course of
investigation co-accused Sujit Kumar disclosed the name of
petitioner and others who were involved in the alleged



occurrence, as mentioned in the impugned order. Petitioner is in custody since 25.04.2022 and bears criminal antecedent of three cases 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 petitioner has no concern either with the recovered wine or any other persons. 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, 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, **after framing of charge** on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court No. 1, Sitamarhi in connection with Bathnaha P.S. Case No. 140 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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