

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38715 of 2022

Arising Out of PS. Case No.-161 Year-2021 Thana- HARLAKHI District- Madhubani

Mukesh Kumar Mahto S/o Debu Mahto R/o village- Rardh @ Rardh Fatek,
P.S.- Kaluahi, District- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ratanakar Jha, Adv.

For the Opposite Party/s : Mr. Rana Randhir Singh, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

2 27-08-2022 Let the defect, if any, be removed within two weeks
from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks regular bail in connection with
Harlakhi P.S. Case No. 161 of 2021 (G.R. No. 1019 of 2021)
lodged under Sections 272, 273, 414 of the I.P.C. read with
Section 30(a) of Bihar Prohibition and Excise (Amendment)
Act, 2018.

As per the prosecution case, total recovery of 57 litres
Nepali wine has alleged to be made from the possession of the
petitioner.

Learned counsel for the petitioner submits that under
unfortunate circumstances, the said recovery was made from the

petitioner. He further submits that petitioner's antecedent is clean and in custody since 17.06.2022, charge sheet has already been submitted in this case. He undertake before the Court that the petitioner shall not involved in such crime again.

Learned counsel for the State opposes the prayer for bail.

In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Addl. Sessions Judge-II-cum-Special in connection with Harlakhi P.S. Case No. 161 of 2021 (G.R. No. 1019 of 2021), subject to the conditions as laid down under Section 437(3) of Cr.P.C. with other following conditions:

A. The petitioner shall support in trial and shall appear physically before the lower court on each and every date fixed, in case of non-appearance for two consecutive dates without sufficient cause, shall resulted into cancellation of his bail bond.

B. One of the bailor shall be close relative who shall file affidavit before the court about his relation with the petitioner.

C. The petitioner shall file an affidavit at the time of furnishing of bail bond that he shall not involve in such criminal activity during the continuance of present bail bond, violation of this condition shall be resulted into cancellation of his present bail bond.

With this observation, the bail application stands allowed.

(Dr. Anshuman, J)

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