

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39377 of 2022

Arising Out of PS. Case No.-389 Year-2020 Thana- DALSINGHSARAI District- Samastipur

Mithlesh Kumar @ Mithilesh Mahto S/o Janak Mahto Resident of Village-
Bambaiya Harlal, P.S.- Dalsinghsarai, District- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dilip Kumar Roy, Adv.

For the Opposite Party/s : Mr. Damodar Prasad Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 29-08-2022 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
Dalsinghsarai P.S. Case No. 389 of 2020 lodged under Section
30(a) of Bihar Prohibition and Excise Act, 2016.

As per the prosecution case, total recovery of 175
litres of foreign liquor was alleged to be made behind the house
of Chandan Mahto.

Learned counsel for the petitioner submits that
nothing was recovered from the conscious possession of the
petitioner rather the same was recovered behind the house of
Chandan Mahto who is co-accused. He further submits that the

name of the petitioner has figured in this case on the statement of chaukidar. He further submits that petitioner is in custody since 11.04.2022, charge sheet has already been filed and there is one case pending against him of similar nature.

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 Special Excise Court No. -1, Samastipur in connection with Dalsinghsarai P.S. Case No. 389 of 2020, 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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