

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 39131 of 2022

Arising Out of PS. Case No.-29 Year-2022 Thana- GOVERNMENT OFFICIAL COMP.
District- Darbhanga

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Mahesh Mahto S/O Jeewachh Mahto @ Jiwachh Mahto, Resident of Village-
Sunderpur (Tenu Per) Ward No.- 2, P.S.- University, District- Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vinay Kumar Mishra, Adv.

For the Opposite Party/s : Ms. Indu Kumari Srivastava, APP

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

2 27-08-2022 Let the defects, as pointed out by the Office, be

removed within a period of two weeks from today.

Heard learned counsel for the petitioner and learned

APP for the State.

Petitioner seeks regular bail in connection with Excise

(Prosecution Report) Case No. 29 of 2022 alleged under Section

30(a) of Bihar Prohibition and Excise Amendment Act, 2018.

As per the prosecution, total 43 litres of Nepali wine

was alleged to be recovered from the *Aangan* (courtyard) of the

petitioner.

Learned counsel for the petitioner submits that the

Aangan of the petitioner is not a private one, any public may

frequently visit it. He further submits that petitioner was not

apprehended from the place of occurrence, charge sheet has already been filed and petitioner is in custody since 02.04.2022 having clean antecedent.

Learned APP opposes the prayer for bail.

In the present facts and circumstances 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 Special Judge-1st (Excise Act) Darbhanga in connection with Excise (Prosecution Report) Case No. 29 of 2022, subject to the conditions as laid down under Section 437(3) 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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