

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39995 of 2022

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

Abdhesh Mahto @ Awadhesh Kumar @ Awadhesh Mahto S/O Indra Dev
Mahto @ Indra 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. Binod Kumar, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 30-09-2022 Let the defect(s), 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 the Bihar Prohibition and Excise Act, 2016.

As per the prosecution case, total recovery of 174.960
Liters wine has been made in this case.

Learned counsel for the petitioner submits that
petitioner is innocent and has committed no offence. Learned
counsel for the petitioner submits that the alleged wine has not
been recovered from the possession of the petitioner but from

the possession of the other accused. He further submits that petitioner is in custody since 11.04.2022 having two criminal cases pending against him and petitioner is on bail in both the cases. Learned counsel for the petitioner submits that the other co-accused has been granted bail in this Court vide order dated 29.08.2022 in Cr. Misc. No. 39377 of 2022.

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 be resulted into cancellation of his bail bond.

B. One of the bailors shall be close relative who shall

file affidavit before the court about his relationship 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.)

ashishsingh/-

U		T	
---	--	---	--