

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42566 of 2022

Arising Out of PS. Case No.-81 Year-2020 Thana- OBRA District- Aurangabad

ANIL MAHTO @ ANIL KUMAR @ ANIL KUMAR MAHTO S/o Nand Lal
Mahto R/o village- Gira, P.S.- Obra, District- Aurangabad, Bihar

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Alka Singh

For the Opposite Party/s : Mr.Renu Kumari

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 26-08-2022 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.

The petitioner seeks bail in connection with Obra
P.S. Case No. 81 of 2020, G.R. No. 319 of 2020 registered for
the offences punishable under Sections 30(a) of the Bihar
Prohibition and Excise Amendment Act.

As per prosecution case, there is alleged recovery
of 675.9 litres country made liquor from the straw house of the
co-accused Nand Lal Mahto. There is accusation against the
petitioner is that he is engaged in selling the illicit liquor with
others.

Learned counsel for the petitioner submits that



petitioner is in custody since 08.07.2022. Petitioner bears criminal antecedent of one case of similar nature. Learned counsel further submits that nothing has been recovered from the possession of the petitioner. Petitioner has no concern with the alleged occurrence. The illicit liquor has been recovered from the straw house situated outside the house of the co-accused Nand Lal Mahto, which is an open space accessible to all. Seizure list has not been made as per law. There is no independent witness. There is complete violation of Section 100 of Cr.P.C. Petitioner is not apprehended on spot.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case as well as period of custody, petitioner is not apprehended on spot 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 Additional Sessions Judge I-cum-Special Judge, Excise-II, Aurangabad in connection with Obra P.S. Case No. 81 of 2020, G.R. No. 319 of 2020, 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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