

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43023 of 2022

Arising Out of PS. Case No.-117 Year-2020 Thana- ISUAPUR District- Saran

RADHE MAHTO Son of Late Hira Mahto Resident of village- Doela P.S-
Isuapur, Dist- Saran

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Harsh Anuj

For the Opposite Party/s : Mr.Kumar Ranjit Ranjan

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 29-08-2022 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
Isuapur P.S. Case No. 117 of 2020 registered for the offences
punishable under Section 30(a) of the Bihar Prohibition and
Excise Act.

As per prosecution case, there is alleged recovery
of 140 litres spirit from the field of petitioner. There is
accusation that petitioner along with other was indulged in the
business of illicit liquor.

Learned counsel for the petitioner submits that
petitioner is in custody since 26.05.2022 and bears criminal



antecedent of four cases of similar nature. Learned counsel further submits that petitioner is quite innocent and has committed no offence as alleged in the F.I.R. and nothing has been recovered from the conscious possession of the petitioner. It is further submitted that petitioner was not apprehended on spot.

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

Considering the facts and circumstances of the case, period of custody, petitioner was not apprehended on spot, 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. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned 2nd Additional Sessions Judge-cum-First Special Judge, Excise Saran at Chapra in connection with Isuapur P.S. Case No. 117 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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