

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44049 of 2022

Arising Out of PS. Case No.-220 Year-2022 Thana- BARH District- Patna

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1. Kaju Mahto @ Kajo Mahto, Son Of Late Swarath Mahto, R/O Village- Bind Toli, P.S.- Barh, District- Patna
 2. Rajesh Mahto @ Chimokan Mahto, Son Of Late Swarath Mahto, R/O Village- Bind Toli, P.S.- Barh, District- Patna

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Raghwendra Sharan Pandey, Advocate

For the Opposite Party/s : Mr.Binod Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 30-09-2022 Heard learned counsel for the petitioners and learned
APP for the State through video conferencing.

Let the defect (s), as pointed out by the office, be
removed within a period of four weeks.

In the present case, the petitioners seek bail in
connection with Barh P.S. Case No. 220 of 2022, registered for
the alleged offence under Section 30 (a) of the Bihar Prohibition
and Excise Act.

Allegedly, 40 liters of country made liquor was
recovered from an orchard. The petitioners are stated to have
fled away from the spot after seeing the police party.

The learned counsel for the petitioners submits that



the petitioners are innocent and have been falsely implicated in this case. The petitioners were not arrested from the spot and nothing incriminating has been recovered from their conscious possession. The place from where articles of manufacturing are stated to be recovered does not belong to these petitioners. The petitioner no.1 is having one criminal antecedent, whereas the petitioner no.2 is having clean antecedent. The charge sheet has been submitted in this case. The petitioners are in custody since 02.06.2022.

The learned APP opposes the prayer for bail.

Having regard to the facts and circumstances and submissions made hereinabove and considering the fact that the petitioners were not apprehended from the spot and no recovery has been shown from their possession and further considering the submission of charge sheet and period of custody of the petitioners, they are directed to be released on bail on furnishing bail bonds of Rs. 20,000/- (Twenty thousand) each with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, Excise Barh, Patna, in connection with Barh P.S. Case No. 220 of 2022, subject to the conditions mentioned in Section 437 (3) of the Code of Criminal Procedure and also the following conditions :



(i) The bail bond of the petitioner no.1 will be accepted only after framing of charge, if not already framed.

(ii) One of the bailors will be a close relative of the petitioners.

(iii) The petitioners will remain present on each and every date fixed by the court below.

(iv) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioners will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

V.K.Pandey/-

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