

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45417 of 2022**

Arising Out of PS. Case No.-56 Year-2022 Thana- DARBHANGA District- Darbhanga

VINOD MAHTO @ BINOD MAHTO Son of Late Ram Narayan Mahto
Resident of Mohalla- Masraf Bazar, P.S- Town , Dist- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vinay Kumar Mishra
For the Opposite Party/s : Mr.Sanjay Kumar

**CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER**

2 02-09-2022 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 Town P.S.
Case No. 56 of 2022 registered for the offences punishable
under Sections 30(a), 36 of the Bihar Prohibition and Excise
Act, 2016.

As per prosecution case, there is alleged recovery of
60 litres mixture of wine and tari from the house of the
petitioner.

Learned counsel for the petitioner submits that
petitioner is in custody since 27.03.2022. Petitioner bears two
criminal antecedent of similar nature. Charge sheet has already



been submitted in the case and there is no likelihood of tampering with the prosecution evidence. Learned counsel further submits that petitioner is not apprehended. Seizure list has not been made as per law. Nothing has been recovered from the conscious possession of the petitioner.

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, charge-sheet has already been submitted and there is no likelihood of tampering with the prosecution evidence 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. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge – I (Excise Act), Darbhanga in connection with Town P.S. Case No. 56 of 2022, 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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