

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45891 of 2022

Arising Out of PS. Case No.-297 Year-2019 Thana- HUSSAINGANJ District- Siwan

PRAVESH MAHTO Son of Late Moti Chand Mahto R/o Village - Badram,
P.S.- Hussainganj, District - Siwan.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Aprajita

For the Opposite Party/s : Mr.Shahabuddin Azeem @ S. Azeem

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 09-09-2022 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 through virtual mode.

The petitioner seeks bail in connection with
Hussainganj P.S. Case No. 297 of 2019 registered for the
offences punishable under Sections 30(a), 38(i), 41(i) of the
Bihar Prohibition and Excise Act.

As per prosecution case, there is alleged recovery
of 95.404 litres liquor from the bush near the nala. Local people
disclosed the name of petitioner and others who fled away from
the place of occurrence.

Learned counsel for the petitioner submits that
petitioner is in custody since 18.07.2022. Petitioner bears no



criminal antecedent. Learned counsel further submits that petitioner has falsely implicated in the present case. Nothing has been recovered from the conscious possession of the petitioner. Petitioner is not apprehended on spot and he has no concern with the illicit recovered liquor as same was recovered from an open place which is accessible to all. There is no compliance of Section 100 of the Cr.P.C.

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, keeping in view clean antecedent of the petitioner, argument advanced on behalf of the petitioner and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Excise Court No. 1, District Siwan in connection with Hussainganj P.S. Case No. 297 of 2019, 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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