

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46058 of 2022**

Arising Out of PS. Case No.-87 Year-2021 Thana- GOVERNMENT OFFICIAL COMP.
District- Samastipur

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Surendra Mahto @ Surendra Kumar, Son of Uday Mahto, R/v- Chaksima
Somnaha, Ward no. 2, P.S- Chakmehsi, Dist- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ranjan Kumar, Advocate
For the Opposite Party/s : Mr.Akshay Lal Pandit, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 30-09-2022 Heard learned counsel for the petitioner 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 petitioner seeks bail in
connection with Excise P.S. Case No. 87 of 2021 registered for
the alleged offences under Section 30(a) of the Bihar Prohibition
and Excise (Amendment) Act, 2018.

As per prosecution case, recovery of 502.12 litres of
India made foreign liquor was made from the hut outside the
house of the petitioner. The petitioner was successful in
escaping from the spot.

The learned counsel for the petitioner submits that the



petitioner is innocent and has been falsely implicated in this case. Nothing incriminating has been recovered from his conscious possession. The recovery has been shown from a place which is a joint family property. The said recovery has been made from an open hut situated outside a road. Due to some hot discussion with the police personnel, the petitioner has been made accused in this case. The hut from where the recovery has been made does not belong to this petitioner. The petitioner is in custody since 20.07.2022 and the prosecution report has been submitted in this case.

Learned APP opposes the prayer for bail submitting that the petitioner is having criminal antecedents and is accused in one other case.

Having regard to the submissions made hereinabove and considering the fact that the recovery has not been shown from this petitioner and further considering the submission of prosecution report along with his period of custody, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge Excise Court No-02, Samastipur in connection with Excise P.S. Case No. 87 of 2021 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 will be accepted
only after framing of charge, if not already
framed.

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

(iii) The petitioner 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 petitioner will be liable to be
cancelled by the court concerned.

(Arun Kumar Jha, J)

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