

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57622 of 2021

Arising Out of PS. Case No.-138 Year-2021 Thana- DALSINGHSARAI District- Samastipur

RAJESH MAHTO @ RAJESH KUMAR son of Sagar Mahto @ Ram Sagar
Mahto Resident of Village- Bambaiya Harlal, Ward No. 3, P.S.- Dalsinghsarai,
District- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jitendra Narain Sinha, Advocate

For the Opposite Party/s : Mr. Veena Rani Prasad, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

4 19-05-2022 Heard learned counsel appearing on behalf of the
petitioner and learned APP for the State.

Let the defect(s) be removed within two weeks of the
complete start of the physical Court in normal course.

Petitioner, who is in custody since 04.08.2021, seeks
regular bail in connection with Dalsinghsarai P.S. Case No. 138
of 2021 registered for offences punishable under Section 30(a)
of the Bihar Prohibition and Excise Act, 2016.

Allegation is that 99.750 litres of Indian made foreign
liquor was recovered which was camouflaged by firewood in
front of the house of the petitioner.

Learned counsel appearing on behalf of the petitioner
submits that nothing has been recovered from the possession of



the petitioner. Alleged recovery has been made from outside the house of the petitioner for which petitioner is not responsible. Petitioner has clean antecedent and he is in custody since 04.08.2021.

Learned A.P.P., for the State has opposed the prayer for grant of bail to the petitioner. He further submits that trade of illicit liquor is rampant in the State of Bihar and often hooch tragedy is being occurred due to consumption of illicit liquor by the people at large and as such petitioner is involved in heinous crime and he does not deserve to be released on bail.

Considering the facts and circumstances of the case as well as period of custody undergone by the petitioner, without going into the merits of the case, the petitioner, above named, is directed to be released on bail upon furnishing bail bond of Rs. 100,000/- (Rupees One Lac) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge- II, cum Special Judge, Excise Act, Samastipur in connection with Dalsinghsarai P.S. Case No. 138 of 2021 subject to the following conditions:

(i) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.



(ii) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

(iii) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(iv) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel his bail bond.

(Purnendu Singh, J)

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