

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50803 of 2022

Arising Out of PS. Case No.-287 Year-2022 Thana- GOVERNMENT OFFICIAL COMP.
District- Nawada

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1. Rajendra Mahto @ Indal Mahto Son Of Late Nanhku Mahto Resident Of Village - Hathua Dharan, P.S.- Tilaiya, District - Koderma (Jharkhand).
 2. Santosh Mahto @ Santosh Kumar Son Of Late Nanhku Mahto Resident Of Village - Hathua Dharan, P.S.- Tilaiya, District - Koderma (Jharkhand).

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Niraj Kumar

For the Opposite Party/s : Mr. Abhay Kumar

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 17-11-2022 Heard learned counsel for the petitioners and learned
APP for the State.

Learned counsel for the petitioners undertakes to remove the defects within three weeks. In the eventuality of non-removal of defects within undertaken period, the office will place the matter before the Bench.

The petitioners are apprehending their arrest in a case registered for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise Act.

Learned counsel for the petitioners submits that petitioners are innocent and have been falsely implicated in this case. He submits that there is no recovery from the conscious



possession of the petitioners rather 140 liters of country made liquor is said to have recovered from a bike. He further submits that allegation against the petitioners is that after seeing the police they along with other co-accused persons managed to ran away from the place of occurrence. He submits that there is no recovery made from the conscious possession of the petitioners. He further submits that petitioners have no criminal antecedent as stated in para-3 of the bail application.

Petitioner is agreed to deposit a sum of Rs. 25,000.00 (Rupees Twenty Five Thousand) in the account of Patna High Court Legal Services Committee, Patna, bearing Account No. 1413010060836, IFSC Code: PUNB0141320, Punjab National Bank, Bar Council Branch, Patna.

Considering the facts and circumstance of the case and the fact that there is no recovery from the conscious possession of the petitioners, let the above named petitioners, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be enlarged on bail on furnishing bail bonds of Rs.25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with G.O. Case No. 287



of 2022, subject to the condition as laid down under Section 438
(2) of the Cr.P.C., with further conditions:

(1) that one of the bailors will be a close relative of
the petitioners, who will give an affidavit giving genealogy as to
who he is related with the petitioners. He will also undertake to
inform the court if there is any change in the address of the
petitioner.

(II) that the bailor shall also stated on affidavit that he
will inform the Court concerned if the petitioners are implicated
in any other case of similar nature after her release in the present
case and thereafter the Court below will be at liberty to initiate
proceeding for cancellation of bail on the ground of misuse.

The bail bonds of the petitioners shall be accepted by
the learned Court below on showing receipt of the aforesaid
amount in the account of Patna High Court Legal Services
Committee, Patna.

(Anjani Kumar Sharan, J)

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