

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53908 of 2022

Arising Out of PS. Case No.-211 Year-2021 Thana- NAYAGAON District- Saran

Jitendra Mahto, Son Of Raj Ballabh Mahto, R/O Village- Shobhepur, P.S.-
Nayagaon, District- Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manish Chandra Gandhi, Advocate

For the Opposite Party/s : Mrs. Renu Kumari, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 23-11-2022 Heard learned counsel for the petitioner and learned
APP for the State.

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 Nayagaon P.S. Case No. 211 of 2021 registered
for the alleged offences under Section 30 (a) of the Bihar
Prohibition Act and Excise Act, 2016.

As per prosecution case, the police received a tip of
about the petitioner and other co-accused persons storing illicit
country made liquor for sale. A raid was conducted at the
identified place and the petitioner and co-accused fled away
from the spot. On search of that place, recovery of total 200
litres of country made liquor was made.



The learned counsel for the petitioner submits that the petitioner was not apprehended from spot and no recovery has been made from his conscious possession. The petitioner has no concern with the place of occurrence from where the so called recovery has been made. It is apparent from the FIR that the petitioner has been named in this case merely on suspicion and on saying of co-villagers who are not on good terms with this petitioner. The petitioner has been falsely implicated in this case due to village politics. The learned counsel further submits that the petitioner is in custody since 13.07.2022 and charge-sheet has been submitted.

Learned APP vehemently opposes the submission of bail made on behalf of the petitioner submitting that the petitioner is accused in a number of cases and he is a habitual offender.

Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the fact that the petitioner was not apprehended from the spot and no recovery has been shown from him and further considering the submission of charge-sheet and the 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 2nd Exclusive Special Excise Court, Saran at Chapra in connection with Nayagaon P.S. Case No. 211 of 2021, subject to the conditions mentioned in Section 437(3) of the Cr.P.C. and the following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) 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.

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(Arun Kumar Jha, J)

