

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 65036 of 2021**

Arising Out of PS. Case No.-225 Year-2021 Thana- GOVERNMENT OFFICIAL COMP.
District- Gaya

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SATISH KUMAR MAHTO Son of Rajendra Mahto Resident of Village -
Pidhoria, P.S.- Pidhoria, Distt.- Ranchi Jharkhaned.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr Sheo Kumar Prasad, Advocate
For the Opposite Party/s : Mr Akhileshwar Dayal, APP

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CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

2 15-04-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor (for brevity, *APP*) appearing for
the State of Bihar through Virtual Mode.

The petitioner seeks bail in Excise PS Case No 225 of
2021 corresponding to IA No 1 of 2021 instituted for the offence
punishable under Section 30 (a) of Bihar Prohibition and Excise
Act, 2016.

The petitioner's vehicle has been stopped while it was
hired by someone else for transporting radish in jute bags. The
police has recovered illicit liquor to the tune of 209.280 liters
from the jute bags, concealed in radish.

The learned counsel for the petitioner submits that the
fact that the liquor was concealed inside the jute bags is evident



from the First Information Report for transporting the vegetable which was packed in the jute bag. The vehicle was hired. The petitioner, under bona fide belief of transporting vegetable, was carrying the bags and has suffered the consequences, though he has no concern with the alleged recovery of the illicit liquor. Having no criminal antecedent, he is in custody since 18.08.2021.

The learned APP has opposed the prayer for bail. It is submitted that the illicit liquor has been recovered from the petitioner's vehicle.

On perusal of the seizure list, it is evident that liquor was concealed inside the vegetable.

Considering the rival submissions, period of custody and the fact that the petitioner has no criminal antecedent, this Court, for the purposes of grant of bail, is, thus, inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail is allowed. Let the petitioner, above named, be released on bail on his furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Additional Sessions Judge -cum- Special Judge, Gaya in Excise PS Case No 225 of 2021 corresponding to IA No 1 of 2021 subject to the following conditions:-



(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

Learned counsel for the petitioner is expected to honour his undertaking given in the instant proceedings today for depositing requisite Court fee and removing the defect (s), as pointed out, when called upon to do so.

(Madhuresh Prasad, J)

M.E.H./-

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