

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64000 of 2021

Arising Out of PS. Case No.-125 Year-2021 Thana- BARGAINIA District- Sitamarhi

1. Sajjan Mahto, Son of Sri Bhagwan Mahto, Resident of Village- Nunia Tola, P.S.- Barigania, District- Sitamarhi.
2. Monu Kumar, Son of Ram Sogarath Mahto, Resident of Village- Nunia Tola, P.S.- Bairgania, District- Sitamarhi.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Hans Lal Kumar, Advocate

For the Opposite Party/s : Ms.Pushpa Sinha, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 30-05-2022 Heard learned counsel for the petitioners and the learned APP for the State.

The petitioners seek bail in connection with Bairgania P.S. Case No.125 of 2021 instituted for the offence punishable under Section 414 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act, 2018.

There is alleged recovery of 79 litres 200 Ml. illicit liquor from the petitioners while they were coming on a motorcycle and stopped by the police party. Both the petitioners have one criminal antecedents each and it is submitted that they are daily wage earners and are in custody since 26.06.2021. They have become the victims of circumstances as they have no



concern with the illicit liquor or the motorcycle and have been implicated merely because they were passing by. Investigation is also stated to be complete.

Learned APP for the State has opposed the prayer for bail.

Considering the rival submissions, the fact that the investigation is complete and the period of custody, this Court for the purposes of grant of bail is inclined to accept the submissions advanced by the petitioners' counsel. Prayer for bail of the petitioners is allowed.

Let the petitioners, above named, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional District & Sessions Judge-II-cum-Special Judge (Excise), Sitamarhi, in connection with Bairgania P.S. Case No.125 of 2021, subject to the following conditions:

- (i) That one of the bailors of each of the petitioners will be a close relative of the petitioners who will give an affidavit giving genealogy as to how he is related with the petitioners concerned. The bailors will also undertake to inform the court if there is any change in the address of the petitioners.
- (ii) That the petitioners will be well represented on each date and if they fail



to do so on two consecutive dates, their
bail bonds will be liable to be cancelled.

This Court would expect that the petitioners' counsel
would honour his undertaking in the instant proceedings
regarding supply of the requisite court fee etc. within two weeks
from the date he is called upon to do so by the office.

(Madhuresh Prasad, J)

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