

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64376 of 2021

Arising Out of PS. Case No.-77 Year-2021 Thana- KHANPURA District- Samastipur

Navin Kumar Mahto (M) aged about 30 years, Son of Krishna Kant Mahto
R/o Village -Gudarghat, Ward No.- 08, P.S.- Khanpur, District- Samastipur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Ms. Aprajita, Adv.

For the Opposite Party : Mr. Ashok Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 15-04-2022 The matter has been listed today for consideration
through Video Conferencing.

Learned counsel for the petitioner is expected to honour
his undertaking given in the instant case for depositing the
requisite court fee and to remove the defects as pointed out by
office when called upon to do so by the office.

Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner seeks bail in Khanpur P. S. Case No. 77
of 2021, instituted for the offence punishable under Section
30(a) of the Bihar Prohibition and Excise Act, 2016.

Since 02-08-2021, the petitioner is stated to be in custody.
There is alleged recovery of 42.975 liters of illicit liquor from a
fodder room behind the petitioner's house.



Petitioner's counsel submits that even as per the allegation recovery is from behind the petitioner's house having access to one and all, for which the petitioner cannot be held liable. Submission is that his implication is merely because earlier there is a case pending against him, namely, *Khanpur* PS Case No. 49 of 2019 for similar allegations.

The learned APP representing the State has opposed the prayer for bail.

Considering the rival submissions, the period of custody and the quantum of recovery, this Court, for the purposes of grant of bail, is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail of the petitioner is allowed. Let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/-(Ten thousand) with two sureties of the like amount each to the satisfaction of the learned A.D.J.-II- cum-Special Judge, Excise Act, Samastipur, in connection with *Khanpur P. S.* Case No. 77 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.

(Madhuresh Prasad, J)

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