

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65549 of 2021**

Arising Out of PS. Case No.-445 Year-2018 Thana- LALGANJ District- Vaishali

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Baidhnath Mahto @ Baijnath Mahto Son of Shambhu Mahto @ Shambhunath
Mahto R/O Village - Pakari Kanth, P.S.- Lalganj, District - Vaishali

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

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

For the Opposite Party/s : Mr. J.K. Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 06-05-2022 Heard counsel for the parties in Virtual Court
Proceeding.

Let the defect(s), if any, as pointed out by the
office, be removed within four weeks.

The petitioner seeks bail in connection with
Lalganj P.S. Case No. 445 of 2018 instituted under sections
30(a), 32(2) and 41(1) of the Bihar Prohibition and Excise
Act, 2016.

As per the prosecution case, the police who was
on official duty for raiding and arresting of warrantees got
secret information that in the house of Ramu Mahto, the
accused persons were storing and arranging the wine. They
accordingly reached the house of Ram Mahto and upon



looking at the police, the accused persons started fleeing away. However, Ramu Mahto was apprehended and he gave the names of other accused persons. The petitioner's name cropped up in the said course of statement.

Thereafter, the police searched the house and altogether 1807.560 litres of India Made Foreign Liquor was recovered. The seizure list was prepared and the FIR was instituted.

Learned counsel for the petitioner submits that admittedly 1807.560 litres of IMFL have been seized from the house of accused Ramu Mahto and not from the possession of the petitioner. He was not part of that group and further he has been remanded in this case on 13.8.2021 and is in jail since then. His last submission is that taking into account the fact that he was not arrested at the spot and liquor was also not seized from his house rather the same was recovered from the house of Ramu Mahto, his case be considered for bail.

Taking into account the fact that the alleged recovery of IMFL has been made from the house of Ramu Mahto and not from the petitioner; the charge-sheet has already been submitted in the matter and he is in custody in



this case on 13.8.2021; this Court is inclined to grant him the privilege of bail. However, in view of the fact that he has criminal antecedent, certain conditions are necessary to be imposed while releasing him on bail.

Let the petitioner be released on bail on furnishing bail bond of Rs. 20,000/- (Twenty thousand) with two sureties of like amount each to the satisfaction of learned Additional Sessions Judge-II-cum Excise Court, Vaishali at Hajipur, in connection with Lalganj P.S. Case No. 445 of 2018 subject to the following conditions:-

(i) one of the bailors should be the family members of the petitioner, who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reasons will entail his cancellation of bail by the Trial Court itself;

(iii) he shall appear before the concerned police station every month for next six months to mark his presence;

(iv) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at



liberty to take steps for cancellation of his bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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