

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 66348 of 2021**

Arising Out of PS. Case No.-168 Year-2021 Thana- PARIHAR District- Sitamarhi

JIVACHH MAHTO Son of Satyanaran Mahto Resident of village - Barahi,
P.S.- Parihar, District - Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr Ranjeet Kumar Mishra, Advocate

For the Opposite Party/s : Dr Kumar Uday Pratap, APP

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

2 01-06-2022 Heard learned counsel for the petitioner and learned Additional Public Prosecutor (for brevity, *APP*) appearing for the State of Bihar.

The petitioner seeks bail in Parihar Police Station (for brevity, *PS*) Case No 168 of 2021 registered for the offence punishable under Section 30 (a) of Bihar Prohibition and Excise (Amendment) Act.

Total 241.50 liters illicit Nepali wine has been recovered from the petitioner's house. He has also been arrested from there.

Learned counsel for the petitioner submits that being a joint family property, the petitioner cannot be held responsible, if at all any liquor has been recovered from the premises in



question. He has no criminal antecedent and he is in custody since 13.09.2021. It is also submitted that the investigation is complete.

The learned APP has opposed the prayer for bail.

Considering the rival submissions, the fact that First Information Report does not allege any recovery from the petitioner's possession, recovery being made from joint family property, fair antecedent and the fact that investigation is complete, 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 II -cum- Special Judge (Excise), Sitamarhi in Parihar PS Case No 168 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)

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