

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66968 of 2021

Arising Out of PS. Case No.-104 Year-2021 Thana- DALSINGHSARAI District- Samastipur

Lal Babu Mahto, S/O Vishundeo Mahto, R/o village- Pandh Pachhiari Tola,
P.S.- Dalsingh Sarai, District- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Adarsh Singh, Advocate

For the Opposite Party/s : Ms.Sangeeta Sharma, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 01-06-2022 Heard learned counsel for the petitioner and the
learned APP for the State.

The petitioner seeks bail in connection with Dalsingh Sarai P.S. Case No.104/2021, Computer Registration No.444/2021, corresponding to Excise G.R. No.344/2021 registered for the offence punishable under Sections 272, 273 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

Prosecution case alleges recovery of 1206 litres foreign liquor from a truck. 8-10 persons have fled away seeing the police party. Five persons have been identified by the police, including the petitioner.

Counsel for the petitioner submits that the petitioner has no concern with the recovery in question. There is



no basis for the petitioner's identification and on account of his criminal antecedents, he has been implicated in this case, whereafter he has surrendered on 14.06.2021. The petitioner is stated to be on bail in two cases pending against him since before. It is further submitted that there is no recovery of any illicit liquor from the petitioner's conscious possession and the investigation is complete.

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

Considering the rival submissions as also the fact that there is no recovery attributed from the petitioner's possession, the period of custody as also completion of investigation, 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, Samastipur, in connection with Dalsingh Sarai P.S. Case No.104/2021, Computer Registration No.444/2021, corresponding to Excise G.R. No.344/2021, 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.

This Court would expect that the petitioner's 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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