

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70102 of 2021

Arising Out of PS. Case No.-597 Year-2021 Thana- BEGUSARAI TOWN District- Begusarai

DHARAM MAHTO S/o Late Shiv Shankar Mahto R/o Village- Ram Nagar
Bishanpur, Ward No. -3, P.S.- Town, District- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Vikram Deo Singh, Advocate Mr. Arjun Prasad, Advocate
For the Opposite Party/s	:	Mr. Pradeep Narain Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 24-05-2022 Heard learned counsel for the parties.

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

The petitioner is in judicial custody in connection
with Town P.S. Case No. 597 of 2021 for the offences under
Sections 30(a) of the Bihar Prohibition and Excise Act, 2016.

As per the FIR, the police upon secret information
reached the house of accused Santosh Kumar Mahato (son of
the petitioner). It is alleged that upon seeing the police party, the
two accused persons tried to escape but one of them was finally
apprehended who is the petitioner herein and he disclosed that
the person who fled away was the son of Santosh Kumar
Mahato. Upon search of the house of accused, Santosh Kumar



Mahato, 170.715 liters of IMFL were recovered/seized and the petitioner was arrested.

Learned counsel for the petitioner submits that the house belongs to his son, Santosh Kumar Mahato. He was simply sitting outside the house from where he was arrested and is in jail since 29.09.2021 (as stated in paragraph-13 of the bail application). He further submits that the petitioner has got no criminal antecedent.

Taking into account the aforesaid facts that the petitioner has no criminal antecedent, house belongs to Santosh Kumar Mahato, is in jail since 29.09.2021, this Court is inclined to grant him the privilege of bail.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of like amount each to the satisfaction of learned Special Judge, Excise Act, Begusarai in connection with Town P.S. Case No. 597 of 2021, subject to the following conditions.

(i) one of the bailor should be the family member 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 fortnight 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)

Jagdish/-

U		T	
---	--	---	--

