

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69263 of 2021

Arising Out of PS. Case No.-509 Year-2021 Thana- RUNISAIDPUR District- Sitamarhi

Ram Rahis Mahto Son of Nathuni Mahto Resident of Village - Malmla, Ward
No.- 11, P.S.- Runnisaidpur, District - Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pramod Kumar Sinha, Advocate

For the Opposite Party/s : Mr. Shahabuddin Azeem @ S. Azeem, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 20-05-2022 Heard learned counsel for the parties through video
conferencing in view of the COVID 19.

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

The petitioner is an accused in connection with
Runnisaidpur P.S. Case No. 509 of 2021 under Sections 30(a),
36 and 41(i) of the Bihar Prohibition and Excise Act 2018.

As per the prosecution theory, the police upon secret
information was checking the vehicle at Manik Chowk Check
Post where they saw a tempo coming in high speed and upon
seeing the police, the petitioner tried to make U-turn but he was
nabbed. The vehicle was searched and 70 liters 170 ml of
foreign liquor was recovered/seized. The seizure was made and
the petitioner was arrested.



Learned counsel for the petitioner submits that he was a mere passerby and the tempo was not being driven by him. He was caught by the police and implicated in this case.

Taking into account the aforesaid facts that the charge-sheet has been submitted, the petitioner do not have any criminal antecedent and he is in jail since 25.09.2021 (as stated in paragraph-11 of the bail application), 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 Additional District & Sessions Judge -II cum Special Judge (Excise), Sitamarhi in connection with Runnisaidpur P.S. Case No. 509 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, this bail application is allowed.

(Rajiv Roy, J)

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