

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70095 of 2021

Arising Out of PS. Case No.-19 Year-2021 Thana- SURSAND District- Sitamarhi

Ramchandra Mahto Son of Rambriksh Mahto Resident of Village - Banauli,
P.S.- Sursand, District - Sitamarhi.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Pushpendra Kumar Singh, Advocate
For the Opposite Party/s : Mr.Umanath Mishra, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 24-05-2022 Heard Mr. Pushpendra Kumar Singh, learned counsel
for the petitioner and learned APP for the State.

The petitioner in judicial custody in connection with
Sursand P.S. Case No. 19 of 2021 registered under section 30(a)
of the Bihar Prohibition & Excise Act, 2016.

As per the prosecution story, while the police party
was on patrolling duty they got secret information that wine
smugglers are approaching at that place. Later, they saw three
persons coming from the other side. When they tried to intercept
them, it is alleged that two of them successfully escaped but one
Jaikaran Baitha was apprehended who disclosed the name of
other two persons as Ravi Singh and Ramchandra Mahto (the
petitioner herein). On search, altogether 108.00 litres of Nepali
Saufi Wine was recovered/seized. Accordingly, the said Jaikaran



Baitha was taken into custody and later the petitioner was also apprehended and he is in jail since 22.9.2021 (as stated in para-13 of the bail application).

Learned counsel for the petitioner submits that nothing has been recovered from his conscious possession and he has falsely been implicated in this case only because he has criminal antecedent as also his named was disclosed by the apprehended person before the police.

Considering the aforesaid facts that nothing has been recovered from the conscious possession of the petitioner, is in jail since 22.9.2021 and charge-sheet stands submitted; this Court is inclined to grant him the privilege of 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 A.D.J.-II cum Special Judge Excise Act, Sitamarhi, in connection with Sursand P.S. Case No. 19 of 2021 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) he shall appear before the concerned police station every fortnight for next six months to mark his presence;



(iii) 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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