

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71716 of 2021**

Arising Out of PS. Case No.-33 Year-2021 Thana- SAMASTIPUR MUFFASIL District-
Samastipur

=====

Mantosh Kumar @ Lambu Son of Late Ram Chandra Ray Resident of village
- Mukundpur, P.S.- Samastipur Muffasil, District - Samastipur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

=====

Appearance :

For the Petitioner/s : Mr.Surya Kant Mishra, Advocate
For the Opposite Party/s : Mr.Bharat Bhushan, APP

=====

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 26-05-2022 Heard Mr. Surya Kant Mishra, learned counsel for
the petitioner Mr. Bharat Bhushan, learned APP for the State.

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

The petitioner is in custody in connection with
Muffasil P.S. Case No. 33 of 2021 for the offence under section
30(a) of Bihar Prohibition and Excise Amendment Act, 2018.

The allegation in the FIR is that the police in course
of patrolling and upon secret information that illegal wine has
been stored by the petitioner in his house, raided the said place
as the accused wanted to escape, he was chased and
apprehended. It is further alleged that upon search, 48 bottles of
India made Foreign Liquor was recovered/seized which



according to the counsel for the petitioner comes to 18 liters (as stated in para-11 of the bail application).

Considering the fact that charge-sheet stands submitted and the petitioner is in jail since 26.4.2021(as stated in para-10 of the bail application), this Court is inclined to grant him the privilege of bail. However, since he has criminal antecedent, necessary conditions are being imposed while releasing him on 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 A.D.J.-II-cum-Special Judge, Excise, Samastipur or his/her successor, in connection with Muffasil P.S. Case No. 33 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) 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)

Ravi/-

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

