

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71967 of 2021

Arising Out of PS. Case No.-414 Year-2021 Thana- BARAUNI District- Begusarai

SEKHO MAHTO @ SHEKHA MAHTO Son of Late Bhagirath Mahto @
Late Bhagarathi Mahto Resident of Village - Ganga Prasad Bind Toli, P.S.-
Barauni (Chakia), District - Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Binod Kumar, Advocate

For the Opposite Party/s : Mr. Sunil Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 26-05-2022

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 Barauni P.S. Case No. 414 of 2021 for the offences under
Sections 30(a) and 30(c) of the Bihar Prohibition and Excise
Act

The allegation in the FIR is that the police got secret
information that country made liquor was being manufactured
on the Ganga Bala River. As they went to the place, those
persons there tried to escape but were apprehended and they
disclosed their names which amongst others included the
petitioner herein. On search, 120 liters country made liquor was
recovered/seized.



Considering the aforesaid facts that the petitioner is in custody since 27.09.2021 (as stated in paragraph-18 of the bail application), has no criminal antecedent and charge-sheet stands submitted, this Court is inclined to grant him the privilege of bail. However, if he do have criminal antecedent, the bail order shall become infructuous.

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 Additional Sessions Judge -II cum Special Judge, Excise Act, Begusarai in connection with Barauni P.S. Case No. 414 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)

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