

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.770 of 2022

Arising Out of PS. Case No.-160 Year-2021 Thana- GOVERNMENT OFFICIAL COMP.
District- Sitamarhi

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SHAMBHU MAHTO Son of Dhaneshwar Mahto Resident of Village- Barahi,
P.S.- Parihar, District- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Hans Lal Kumar
For the Opposite Party/s : Mr.Sanjay Kumar

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 01-07-2022 Let the defect(s), as pointed out by the office, be

removed within a period of four weeks from today.

Heard learned counsel for the petitioner and
learned A.P.P. for the State in virtual mode.

The petitioner seeks bail in connection with G.O.
Case No. 160 of 2021 registered for the offences punishable
under Section 30(a) of the Bihar Prohibition and Excise Act,
2016.

As per prosecution case, on 18.09.2021 the S.S.B.
team saw three persons coming towards Indian territory near
B.P. No. 305 with some luggage. After seeing S.S.B. team they
started fleeing away leaving their luggage. Anyhow one of them
was apprehended who is the present petitioner. When the bags



thrown by the petitioner and others were searched total 480 bottles of Nepali Saufi wine of 300 ml. each was recovered.

Learned counsel for the petitioner submits that petitioner is in custody since 18.09.2021. The petitioner through supplementary affidavit has submitted that he bears one criminal antecedent of similar nature in which he is on bail. Prosecution report has already been submitted in the case and there is no likelihood of tampering the prosecution evidence. It has further been submitted that there is no specific allegation against the petitioner rather the allegation is general and omnibus. Petitioner has no concern with the said wine or any other person. No any incriminating article like wine has been recovered from the conscious possession of the petitioner or from his house.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, prosecution report has already been submitted and also taking into consideration the material available on record, let the petitioner above named be released on bail **after framing of charge** on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like



amount each to the satisfaction of learned Additional District and Sessions Judge-II-Special Judge (Excise), Sitamarhi in connection with G.O. Case No. 160 of 2021, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates would be a ground for cancellation of bail by the learned Trial court itself.

(iii) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Alok Kumar Pandey, J)

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