

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35492 of 2023

Arising Out of PS. Case No.-286 Year-2023 Thana- GOVERNMENT OFFICIAL COMP.
District- Lakhisarai

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MANTU KUMAR RAUT SON OF LATE ARJUN RAUT @ Arjun Ram
RESIDENT OF VILLAGE- PACHNA ROAD, LAKHISARAI, PS-
KABAIYA, DISTT- LAKHISARAI.

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Rabi Bhushan

For the Opposite Party/s : Mr.Ramesh Chandra

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 14-06-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with Excise
P.S. Case No. 286 C2/2023 registered for the offences
punishable under Sections 30(a), 37 of the Bihar Prohibition and
Excise (Amendment) Act, 2018.

As per prosecution case, there is alleged recovery of
500 ml. illegal country made liquor from the petitioner and he
was found in drunken condition from the place of occurrence.

Learned counsel for the petitioner submits that
petitioner is innocent and has falsely been implicated in this
case. Nothing has been recovered from the conscious possession
of the petitioner. The petitioner is languishing in custody since



21.03.2023 and bears criminal antecedent of one case of similar nature in which he is on bail. He further submits that there is no compliance of Section 100 Cr.P.C.

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

Considering the facts and circumstances of the case, period of custody, argument advanced on behalf of both sides 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 bonds 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-V cum Exclusive Special Court No.-2, Excise Act, Lakhisarai in connection with Excise P.S. Case No. 286 C2/2023, 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 without appropriate permission, 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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