

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42166 of 2023

Arising Out of PS. Case No.-42 Year-2023 Thana- JALE District- Darbhanga

1. BIPIN KUMAR MAHTO S/O LATE BHARAT MAHTO R/O Village- Ghogharaha Chowk, PS. Jalley, Dist. Darbhanga
2. DEEPAK KUMAR MAHTO S/O SATRUDHAN MAHTO R/O Village- Ghogharaha Chowk, PS. Jalley, Dist. Darbhanga

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Baidya Nath Prasad

For the Opposite Party/s : Mr.Satyendra Prasad

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 21-07-2023 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners seek bail in connection with Jalley P.S. Case No. 42 of 2023 registered for the offences punishable under Section 414 of the I.P.C. and Section 30 (a) of the Bihar Prohibition and Excise Act, 2018.

3. As per prosecution case, there is alleged recovery of 585 litre Nepali country made Saurab Saufi liquor from white coloured Scorpio vehicle in question. It is further alleged that petitioners were apprehended on the spot.

4. Learned counsel for the petitioners submits that petitioners are in custody since 14.04.2023 and bear no criminal



antecedent. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. He further submits that no incriminating article has been recovered from conscious possession of the petitioners. Petitioners are neither owner nor driver of the alleged vehicle in question. There is no compliance of Section 100 of Cr.P.C.. Petitioners are quite innocent and have committed no offence as alleged against them in FIR and they have falsely been implicated in the present case.

5. The learned A.P.P. for the State opposes the prayer for bail of the petitioners.

6. Considering the facts and circumstances of the case, period of custody, keeping in view clean antecedent, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioners above named be released on bail, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge – I (Excise Act) Darbhanga in connection with Jalley P.S. Case No. 42 of 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) Petitioners 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 petitioners tamper 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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