

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57474 of 2023

Arising Out of PS. Case No.-1409 Year-2023 Thana- GOVERNMENT OFFICIAL COMP.
District- Purnia

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KIRAN MAHTO son of Late Prem Nath Mahto Village- Madhubani Argara
Chowk W.No- 3, Ps- K.Hat Dist- Purnea

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Pawan Kumar, Advocate
For the Opposite Party/s : Mr.Bishweshwar Ram, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 31-08-2023 Heard the parties.

The petitioner is in judicial custody in connection with Purnea Excise P.S. Case No. 1409 of 2023 for the offence punishable under Sections 30(a) of the Bihar Prohibition and Excise Act lodged on 15.5.2023 by the informant, Rajkishore Yadav.

As per the prosecution story, the police intercepted a Tata Indigo care and recovered/seized 332.940 liters of country made liquor from its dickey. Accordingly, the FIR.

It is the case of the petitioner that he is driver of the car, little realizing that the liquor is present in the dickey, already suffered by being in custody since 15.5.2023 (para14 of the petition) and do not have criminal antecedent.



Learned APP opposes the prayer for bail.

Considering the submission put forward by the learned counsel for the petitioner, his period of custody and further he do not have criminal antecedent, this Court is inclined to extend him the privilege of bail with conditions.

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 Special Judge Excise-II, Purnea, in connection with Purnea Excise P.S. Case No. 1409 of 2023 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 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 reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark his attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences,



failing which the State shall be at liberty to take steps for
cancellation of the bail bonds;

(v) 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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