

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60978 of 2023**

Arising Out of PS. Case No.-151 Year-2018 Thana- GOVERNMENT OFFICIAL COMP.
District- Samastipur

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Sunil Mahto S/O Late Jeevachh Mahto Resident Of Village- Purushottampur,
P.S- Kalyanpur, Distt.- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Raja Ram Mishra, Advocate
For the Opposite Party/s : Mr. Anil Kumar, APP

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**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

2 20-09-2023 Heard learned counsel for the petitioner and the

learned A.P.P. for the State.

2. The petitioner seeks bail, who is in custody since

17.07.2023, in connection with Excise Case No.151 of 2018,

registered for the offences punishable under Sections 30(a)(d)

and 38(1) of Bihar Prohibition and Excise Act, 2018.

3. Recovery is of 25 liters of country made liquor.

4. Learned counsel appearing for the petitioner

submits that the petitioner has clean antecedent and he has

falsely been implicated in the present case mainly on the basis

of suspicion. Further submits that it appears from the FIR as

well as the seizure list that nothing has been recovered from his

conscious possession rather the liquor in question have been



recovered from an open space and petitioner has no concerned at the recovery of alleged liquor and petitioner is in custody since 17.07.2023.

5. Learned APP for the State has opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts, petitioner has clean antecedent, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise Court No.II, Samastipur, in connection with Excise Case No.151 of 2018, with the following conditions:-

(I) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(II) 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.

(III) And, further condition that the court below shall



verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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