

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69601 of 2022

Arising Out of PS. Case No.-527 Year-2021 Thana- MUFFASIL District- West Champaran

SANTOSH MAHTO, Son of Mahesh Mahto, Resident of Village - Garabhuwa Lala Tola, P.S.- Sirishiya (O.P.), Chanpatiya, District - West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner : Mr. Ashok Kumar Gupta, Advocate
For the State : Ms. Veena Kumari Jaiswal, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 04-03-2023 Today being Saturday, matters are being taken up through virtual mode, as per current procedure for hearing.

Heard learned counsel for the petitioner and the learned APP for the State.

The petitioner seeks bail in connection with Bettiah Mufassil (Manuaput) P.S. Case No. 527 of 2021 registered for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

There is alleged recovery of 20 litres illicit country made foreign liquor from the petitioner's motorcycle.

Learned counsel for the petitioner submits that the petitioner was not present at the spot. Nothing has been recovered from his conscious possession. The motorcycle also does not belong to the petitioner. It is further submitted that the petitioner has one criminal antecedent and in this case, he is in custody since 14.07.2022. Moreover, investigation is also complete and as such



there is no chance of tampering of evidence.

Learned APP for the State has opposed the prayer for bail.

Considering the rival submissions, period of custody and the fact of recovery from a motorcycle which does not belong to the petitioner, this Court, for the purposes of grant of bail, is inclined to accept the submissions advanced by learned counsel for the petitioner.

Prayer for bail of the petitioner is allowed.

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 the learned Exclusive Special Judge, Excise, West Champaran, Bettiah, in connection with Bettiah Mufassil (Manuaput) P.S. Case No. 527 of 2021, subject to the following conditions:-

- (i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.
- (ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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