

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.64643 of 2023**

Arising Out of PS. Case No.-580 Year-2023 Thana- Excise P.S. District- Madhepura

1. RAKESH MAHTO son of Late Kailash Mahto Village- Bhatiyari Sarai Mishra Tola Ps- Sadar Dist- Darbhanga
2. Raja Kumar son of Raju Sah Village- laherisarai W.No-42, Ps- Laheraisarai Dist- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Girish Chandra Jha  
For the Opposite Party/s : Mr.Arun Kumar Pandey

**CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN**  
**ORAL ORDER**

2      11-10-2023                      Heard learned counsel for the petitioners and  
learned A.P.P. for the State.

2. The petitioners seek regular bail in connection with Sadar Excise P.S. Case No. 580 of 2023 registered on 04.08.2023 lodged under Sections 30(a) of Bihar Prohibition and Excise Amendment Act 2018.

3. As per the prosecution case, total recovery of 90 litre of country made liquor is the subject matter of this case.

4. Counsel for the petitioners submits that the said recovery has been made from an Auto which does not belong to the petitioners. Counsel further submits that there are three criminal cases pending against petitioner no. 1 whereas the antecedent of petitioner no. 2 is clean.

5. Counsel further submits that petitioners are



innocent and have committed no offence. He further submits that petitioners are in custody since 05.08.2023.

6. Learned counsel for the State opposes the prayer for bail.

7. In the present facts and circumstances of this case and the submissions made above, let the Petitioner No. 1, above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge II Cum Special Judge Excise Act Madhubani in connection with Sadar Excise P.S. Case No. 580 of 2023 subject to the conditions as laid down under Section 437(3) of the Cr.P.C.

(i) one of the bailor should be the family member of the petitioners 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 bonds by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every month for one year to mark attendance;

(iv) the petitioner shall in no way try to induce or



promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of the bail bonds; and

(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 the bail bonds.

8. So far as Petitioner No. 2 above named is concerned, let he be released on bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge II Cum Special Judge Excise Act Madhubani in connection with Sadar Excise P.S. Case No. 580 of 2023 subject to the conditions as laid down under Section 437(3) of the Cr.P.C.

9. With this observation, the bail application stands allowed.

**(Dr. Anshuman, J)**

Sunnykr/-

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