

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64174 of 2022

Arising Out of PS. Case No.-195 Year-2021 Thana- SHAHKUND District- Bhagalpur

DHARMENDRA MAHTO @ KHARCHULWA, Son of Late Nathu Mahto,
Resident of Village- Belthu, P.S.- Shakhund, District- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Swapnil Kumar Singh, Advocate

For the Opposite Party/s : Ms.Indu Kumari Srivastava, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 20-01-2023 Today being Friday, 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 Sakhund P.S. Case No. 195 of 2021 registered for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2016 and Sections 25(1-b)a, 26 and 35 of the Arms Act.

There is alleged recovery of 8 litres *desi mahua* from the petitioner's house. The FIR also alleges recovery of two country made pistols and one double barrel gun from the house.

Learned counsel for the petitioner submits that the petitioner has no concern with the recovered substances. It is a case of false implication. He is stated to be in custody since 17.06.2022. The petitioner was not arrested at the time and place of recovery and has been arrested on 17.06.2022. The recovery is denied and disputed and is stated to be not in accordance with law.



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

Having regard to the manner of recovery, the submissions advanced by the parties, period of custody and the fact that investigation is complete, this Court is inclined to allow the petitioner's prayer for bail.

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 SPL Judge Exclusive Excise Court No. 2, Bhagalpur, in connection with Sahkund P. S. Case No. 195 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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