

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64589 of 2022

Arising Out of PS. Case No.-268 Year-2022 Thana- SUPPI District- Sitamarhi

Binod Mahto, aged about 46 years, Male, Son of Yogi Mahto @ Yogendra Mahto, Resident of village - Mohani Mandal, P.S.- Suppi, District - Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Jha, Adv.

For the Opposite Party/s : Mr. Rita Verma, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 20-01-2023 This matter has been taken up today for consideration through video conferencing.

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

The petitioner seeks bail in connection with Suppi P.S. Case No. 268/22 registered for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise Act.

To verify information regarding concealment of illicit liquor, the police party had arrived at the place, from where there is alleged recovery of 84 litres (eighty four litres) of illicit liquor.

Learned counsel for the petitioner submits that even as per prosecution case, recovery is not from the petitioner's possession. He is stated to be fleeing away, though he was not even present there. He has been implicated only due to his criminal antecedents, as per disclosure made in paragraph No. 3 of the bail application. He is stated to be in custody since 22.08.2022.

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

Having regard to the manner of recovery, submissions



advanced by the parties, period of custody and the fact that investigation is complete, this Court, for the purposes of grant of bail, is inclined to accept the submissions advanced by the petitioner's counsel. 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 Special Judge, Exclusive Special Excise Court I, Sitamarhi, in connection with Suppi P.S. Case No. 268/2022, 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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