

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66772 of 2022**

Arising Out of PS. Case No.-263 Year-2022 Thana- LAUKAHA District- Madhubani

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BHAJE LAL MAHATO, Son of Shambhu Mahto, Resident of Village -
Chakdah, P.S.- Laukaha, District - Madhubani, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shivnandan Bharti, Adv

For the Opposite Party/s : Mr. Navin Kumar Pandey, APP

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 03-02-2023 Today being Friday, matters are being taken up through virtual mode, as per current procedure for hearing.

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

This Court would expect that the petitioner's counsel would honour his undertaking in the instant proceedings regarding supply of requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

Petitioner seeks bail in connection with Laukaha P.S. Case No. 263 of 2022 registered under Section 30(a) of Bihar Prohibition and Excise Amendment Act, 2018.

Gunny-bags abandoned by four persons who started fleeing on seeing the patrolling party. There is alleged recovery of 135 litres of *Nepali* liquor.

Learned counsel submits that the petitioner was near the place from where recovery has been made. He has been apprehended on a suspension that he was fleeing away after abandoning the gunny-



bags. Petitioner, under such circumstances, has been arrested. He is in custody since 22.09.2022. He is on bail in Laukaha P.S. Case No. 159 of 2018. Recovery is denied and disputed by learned counsel for the petitioner. It is submitted that recovery is not in accordance with law and investigation is complete.

Learned APP has opposed the prayer for bail.

Considering the rival submissions, manner of recovery, 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 bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge Excise Act, Jhanjharpur, Madhubani in Laukaha P.S. Case No. 263 of 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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