

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 65935 of 2022

Arising Out of PS. Case No.-306 Year-2022 Thana- DARIYAPUR District- Saran

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SURESH KUMAR MAHTO Son of Late Vishwnath Mahto Resident of
Village- Saraiya Mathiya, P.S.- Dariyapur, District- Saran(Chapra)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr Umesh Prasad, Advocate

For the Opposite Party/s : Mr Madan Kumar, APP

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CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

2 03-02-2023

Heard learned counsel for the petitioner and learned Additional Public Prosecutor (for brevity, **APP**) appearing for the State of Bihar through Virtual Mode.

The petitioner seeks bail in Dariyapur Police Station (for brevity, **PS**) Case No 306 of 2022 dated 04.06.2022 registered for the offence punishable under Sections 30 (a), 30 (b) of Bihar Prohibition and Excise Act, 2022.

On receiving information regarding illicit manufacture of liquor, the police has gone to the place for verification. It is alleged that five persons were fleeing away. Petitioner has, thus, been arrested. The recovery is alleged to be 150 liters of illicit liquor from different containers at the place.

Learned counsel submits that even as per the prosecution case, there is no recovery from the petitioner's possession. He has no antecedent and he is in custody since 05.06.2022. Similarly situated co-accused Suraj Kumar Gupta has been allowed bail by this Court by order dated 22.08.2022 passed in Cr Misc No 40321 of 2022.

Learned APP has opposed the prayer for bail.

Having considered the rival submissions, manner of



recovery, nature of allegation, 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 is allowed. Let the petitioner, above named, be released on bail on his furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Additional Sessions Judge II -cum- Exclusive Special Judge I, Excise Act, Saran at Chapra in Dariyapur PS Case No 306 of 2022 dated 04.06.2022, 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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