

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.69860 of 2022**

Arising Out of PS. Case No.-136 Year-2022 Thana- GOVERNMENT OFFICIAL COMP.  
District- Jamui

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Mahesh Mahto S/o Late Mishri Mahto R/v- Kasaha, P.S.- Barauni (Chakiya),  
District- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Hare Krishna Prasad  
For the Opposite Party/s : Ms. Rina Sinha

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR**  
**ORAL ORDER**

2      07-02-2023                      Heard Ld. counsel for the petitioner and Ld. APP  
  
for the State.

The petitioner seeks bail in connection with Excise  
Case No. JAM No. 136 of 2022, registered for the offences  
punishable under Section 30(a) of the Bihar Prohibition and  
Excise Act, 2016.

As per allegation, 13.50 and 125.7 litres of country  
made liquor was recovered from a different Tempo.

Ld. counsel for the petitioner submits that the  
petitioner is innocent and has falsely been implicated in this  
case. He further submits that nothing has been recovered  
from the conscious possession of the petitioner. He also



submits that petitioner had no knowledge about the contents of material loaded on the vehicle.

He further submits that the petitioner has been languishing in jail since 08.07.2022.

It has also been stated in paragraph no. 3 of the bail petition that the petitioner has no criminal antecedents.

It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved this Court earlier either for anticipatory bail or regular one.

However, Ld. APP for the State vehemently opposes the prayer of the petitioner for bail.

Considering the aforesaid facts and circumstances, **this application is allowed**, directing the petitioner, above-named, to be enlarged on bail on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Ld. Spl. Judge Excise-II, Jamui in connection with Excise Case No. JAM No. 136 of 2022 on the following conditions:

(i) The petitioner will make himself available for interrogation by a police officer/court as and when required.



(ii) The petitioner will undertake that investigation/trial will not hamper on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The petitioner shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court below that the petitioner has any criminal antecedents, Ld. court below shall cancel the bail bonds of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedents despite his knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, Ld. court below shall cancel the bail bonds of the petitioner.

(vi) In case, the petitioner repeats offence of



similar nature after enlargement on bail, his bail-bond will be cancelled by the Court below.

Ld. counsel for the petitioner is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

**(Jitendra Kumar, J)**

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