

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70616 of 2023

Arising Out of PS. Case No.-347 Year-2022 Thana- LALIT NARAYAN UNIVERSITY
District- Darbhanga

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Balram Kumar Mahto @ Balram Mahto, S/O- Dashrath Mahto, R/o- Village -
Balughat, Macharhatta, P.s. - Mithila Vishshwavidyalaya, District-
Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar,

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : None

For the Opposite Party/s : Mr.Pradeep Narain Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 09-11-2023 None appears on behalf of the petitioner, however,

learned A.P.P. for the State are present.

2. From a perusal of the record, it appears that the petitioner has preferred the present application for seeking regular bail in connection with LNMU P.S. Case No.347/2022 lodged on 30.09.2022 under Sections 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2018 of the Indian Penal Code.

3. From pleading, it appears that the FIR has been lodged against two named accused persons including the petitioner. The total recovery of 700 liters of Nepali Saufi is the subject matter of the present case. It also transpires from the seizure that the alleged recovery has been made from Balughat near Radharani school whereas the FIR suggests that the



recovery of illicit liquor has been made from a Scorpio vehicle parked near Radharani school. The FIR also suggests that the police upon secret information to the effect that the petitioner along with others indulged in the business of illicit liquor, led a raid and found three persons unloading the illicit liquor from a vehicle. On seeing the police, the accused persons started to flee, though the police tried to chase them, but the accused persons succeeded in fleeing away from the place of occurrence. On the basis of secret information, it was found that the petitioner is also involved in the present matter.

4. Learned APP for the State opposes the prayer for bail of the petitioner and submits that though the petitioner was not apprehended from the place of seizure, but his name has surfaced in this case on the basis of secret information. The antecedent of the petitioner is clean and he has been remanded in the present case on 06.06.2023.

5. In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be released on bail, **but only after framing of charge**, on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge (Excise) 2nd, Darbhanga in



connection with LNMU P.S. Case No.347/2022, subject to the conditions as laid down U/s 437(3) Cr.P.C. as well as the following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bonds by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every month for one year to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of the bail bonds; and

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(Dr. Anshuman, J)

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