

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69237 of 2023

Arising Out of PS. Case No.-163 Year-2023 Thana- MEHANDIGANJ District- Patna

NIRAJ MAHTO Son of Krishna Mahto @ Kishan Mahto Resident of Village
- Pratap Pur, P.S. Mehandiganj, District Patna.

... .. Petitioner/s

Versus

The State of Bihar Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rudra Deo, Advocate

For the Opposite Party/s : Mr.Mritunjay Kumar Nirala, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 19-10-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is in judicial custody in connection with Mehandiganj P.S. Case No. 163/2023 registered under Section 30(a) of the Bihar Prohibition and Excise Amendment Act, 2022 lodged on 10.09.2023 by the informant, Din Dayal Ram.

As per the prosecution story, the allegation is that the police conducted a raid near village Pratappur when a person tried to escape by throwing the bag on which 10 liters each of three pouches, totalling 30 liters country made liquor was recovered/seized which followed the FIR.

Learned counsel for the petitioner submits that nothing has been recovered from his conscious possession, police falsely implicated him and he is in custody since



11.09.2023.

Taking into account the submission put forward by the parties, he do not have criminal antecedent and nothing has been recovered from his conscious possession, this Court is inclined to grant him privilege of bail.

Let the petitioner be released on bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Special Judge Excise PatnaCity, Patna in connection with Mehandiganj P.S. Case No. 163 of 2023 subject to the following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her *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/her bail bond by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences,



failing which the State shall be at liberty to take steps for
cancellation of his bail bonds;

(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.

(Rajiv Roy, J)

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