

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70871 of 2023

Arising Out of PS. Case No.-142 Year-2022 Thana- BIRAUL District- Darbhanga

Vrihaspati Mahto, S/O Late Baleshwar Mahto, R/O Village- Parsarma, P.S. -
Biraul, District- Darbhanga (Bihar).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anand Prakash, Advocate

For the Opposite Party/s : Mr.Ajay Kumar No. 2, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 07-11-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Biraul P.S. Case No.142 of 2022 lodged on 28.04.2022 under
Section 30(a) of the Bihar Prohibition and Excise (Amendment)
Act, 2022.

3. As per the prosecution case, the total recovery of 11
litres of country-made liquor is the subject matter of the present
case. The FIR has been lodged against four named accused
persons including the petitioner.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence. The alleged
recovery has not been made from the conscious possession of
the petitioner, rather it has been made from a house belongs to



Somanti Devi who disclosed the name of the petitioner and other co-accused persons. The petitioner has no concern with the house from where the said recovery has been made. The petitioner is in custody since 14.08.2023 and at the time of lodging of the present FIR, there was no criminal case against the petitioner, but thereafter one case has been lodged against him.

4. Learned counsel for the State opposes the prayer for bail and submits that the recovery has been made from the possession of the petitioner.

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 Exclusive Special Excise Judge-II, Darbhanga, in connection with Biraul P.S. Case No. 142/2022, subject to the conditions as laid down under Section 437(3) of the Code of Criminal Procedure with other 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)

Ashwini/-

U		T	
---	--	---	--

