

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69546 of 2023

Arising Out of PS. Case No.-243 Year-2023 Thana- SARAI RANJAN District- Samastipur

Rajendra Mahto S/O Hari Lal Mahto R/O Village- Bhagatpur, P.S-
Sarairanjan, Dist.- Samastipur.

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Surya Narayan Roy, Adv.

For the Opposite Party/s : Mr. Shyam Bihari Singh, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 01-11-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Sarairanjan P.S. Case No. 243 of 2023 lodged under Section
30(a) of Bihar Prohibition and Excise Act.

3. As per the prosecution case, the F.I.R. has been
lodged against 3 named accused persons including the present
petitioner. The total recovery of 132.15 liter wine has alleged to
be made which is subject matter of the present case.

4. Learned counsel for the petitioner submits that
petitioner has not been apprehended from the place of
occurrence. The said recovery was also not made from
conscious possession of the petitioner rather it has been
recovered from a hut of one Ravi Mahto.



5. Counsel for the petitioner submits that petitioner is in custody is since 29.08.2023 having clean antecedent. He further submits that name of petitioner's son has figured in this case and due to this reason police has also named the petitioner in this case.

6. Counsel submits that antecedent of the petitioner is clean and he is ready to fulfill all the conditions whatsoever shall be imposed upon him.

7. Learned counsel for the State opposes the prayer for bail.

8. In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail 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 Judge (Excise) -2, Samastipur, in connection with Sarairanjan P.S. Case No. 243 of 2023, subject to the following conditions as laid down under Section 437(3) of Cr.P.C. 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.)

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