

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63485 of 2022

Arising Out of PS. Case No.-211 Year-2019 Thana- TILAUTHU District- Rohtas

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KAMLESH MAHTO S/o Phulchandra Mahto @ Phulchandra Singh R/v-
Dalelganj, P.S.- Sasaram (Town), District- Rohtas, Bihar

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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with
CRIMINAL MISCELLANEOUS No. 72743 of 2022

Arising Out of PS. Case No.-211 Year-2019 Thana- TILAUTHU District- Rohtas

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MANOJ SAW @ MANOJ PRASAD @ MANOJ SAO S/o Late Ram Jee
Prasad R/o Mohalla- Navratan Bazar, Sasaram, P.S.- Sasaram Nagar, Distt-
Rohtas at Sasaram.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

(In CRIMINAL MISCELLANEOUS No. 63485 of 2022)

For the Petitioner/s : Mr. Alok

For the Opposite Party/s : Mr. Rana Randhir Singh

(In CRIMINAL MISCELLANEOUS No. 72743 of 2022)

For the Petitioner/s : Mr. Babu Nandan Prasad

For the Opposite Party/s : Mr. Braj Kishore Pd.(App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 06-01-2023 Heard Ld. counsel for the petitioners and learned

APP for the State.

The petitioners seek bail in connection with

Tilauthu P.S. Case No. 211 of 2019, registered for the

offences punishable under Section 30 (a) of the Bihar



Prohibition and Excise Act, 2018.

As per allegation total 10800 liters illicit liquor was recovered by a truck bearing Registration No. PB-05AB-3015.

Ld. counsel for the petitioners submit that the petitioners are innocent and have falsely been implicated in this case. He further submits that nothing has been recovered from the conscious possession of the petitioners. He also submits that search and seizure has not been made as per the procedure prescribed under Section 100 Cr. P.C.

They further submit that the petitioner, namely, Kamalesh Mahato has been languishing in jail since 06.07.2022 and petitioner, namely, Manoj Saw @ Manoj Prasad @ Manoj Sao has been languishing in jail since 03.11.2022.

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

It is also stated in paragraph no. 2 of the bail petition that the petitioner, namely, Kamalesh Mahato has



not moved this Court earlier either for anticipatory bail or regular one but petitioner, namely, Manoj Saw @ Manoj Prasad @ Manoj Sao has moved for Anticipatory bail before this Court and the petition is dismissed as withdrawn by the order dated 07.12.2021 passed in Cr. Misc. No. 14076 of 2021.

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

Considering the aforesaid facts and circumstances, this application is allowed, directing the petitioners, above-named, to be enlarged on bail on their furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the Ld. Exclusive Special Excise Court No.2-cum-Additional District and Sessions Judge, Rohtas at Sasaram, in connection with Tilauthu P.S. Case No. 211 of 2019, on the following conditions:

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



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

(iii) The petitioners 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 them 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 petitioners have any criminal antecedents, the learned court below shall cancel the bail bond of the petitioners after hearing them and getting satisfied that the petitioners have concealed their criminal antecedents despite their 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, the learned court below shall cancel the bail bond of the petitioners.

Ld. counsel for the petitioners 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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