

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77870 of 2023

Arising Out of PS. Case No.-77 Year-2023 Thana- MEHANDIGANJ District- Patna

SHIVJI MAHTO SON OF LATE SITARAM MAHTO R/O VILLAGE-
MANSARAM KA AKHARA, LOHA KE PUL, P.S.- MEHDIGANJ, DIST.-
PATNA

... .. Petitioner/s

Versus

THE STATE OF BIHAR PATNA

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arvind Kumar Singh
For the Opposite Party/s : Mr.Akbar Ali

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 04-12-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with
Mehdiganj P.S. Case No.77 of 2023 registered for the offences
punishable under Section 30(a) of the Bihar Prohibition and
Excise Act.

3. As per prosecution case, 100 litre country made
liquor adjacent to Baithka Devi Sthan was recovered and
petitioner apprehended on spot alongwith other.

4. Learned counsel for the petitioner submits that
petitioner is in custody since 01.05.2023 and bears criminal
antecedent of one case. Learned counsel orally submits that
charge sheet has been submitted in the case and there is no



likelihood of tampering with the prosecution evidence. He further submits that the place of recovery is an open place, which is accessible to all. Nothing has been recovered from the conscious possession of the petitioner. Petitioner has no concern with the alleged recovered liquor. There is no compliance of Section 100 of Cr.P.C. He further submits that petitioner is quite innocent and has falsely been implicated in the case. Learned counsel further submits that co-accused Tinku Kumar and Rohit Kumar have already been granted bail vide Cr. Misc. No. 40397 of 2023 by a co-ordinate Bench of this Court and the case of present petitioner stands on similar footing.

5. The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

6. Considering the facts and circumstances of the case, period of custody, co-accused have already been granted bail, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge Excise Act, Patna City in connection with Mehdiganj P.S. Case No.77 of 2023 , subject to following conditions:-



(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Alok Kumar Pandey, J)

vashudha/-

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