

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69651 of 2022**

Arising Out of PS. Case No.-141 Year-2021 Thana- BALIGAON District- Vaishali

WAKIL MAHTO, S/o Ramanand Mahto, R/o Village- Govindpur Bela, P.S.-
Baligaon, Distt- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anuj Kumar, Advocate

For the Opposite Party/s : Mr. Bharat Lal, APP

**CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER**

2 04-03-2023 Today being Saturday, matters are being taken up through
virtual mode, as per current procedure for hearing.

Heard learned counsel for the petitioner and the learned
APP for the State.

The petitioner seeks bail in connection with Baligaon P.S.
Case No. 141 of 2021 registered for the offence punishable under
Sections 30(a), 32(2) and 41(1) of the Bihar Prohibition and Excise
Amendment Act, 2018.

Since 24.09.2022, the petitioner is stated to be in custody.
There is assertion in the bail application regarding clean antecedent
of the petitioner.

As per prosecution case, recovery of 338.040 litres illicit
liquor is from Mango orchard of co-accused Guddu Rai. The
petitioner is stated to be the person who has stored the liquor there.

Learned counsel for the petitioner submits that even as per
FIR, the orchard does not belong to the petitioner and he was not
present at the time of alleged seizure. Merely based on statement of



co-accused and *Chawkidar*, the petitioner has been dragged in this case on extraneous considerations. Moreover, investigation is also complete and as such there is no chance of tampering of evidence.

Learned APP for the State has opposed the prayer for bail.

Considering the rival submissions, clean antecedents and period of custody, this Court, for the purposes of grant of bail, is inclined to accept the submissions advanced by learned counsel for the petitioner.

Prayer for bail of the petitioner is allowed.

Let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Excise Court No. 1-cum-Additional District and Sessions Judge, Vaishali at Hajipur, in connection with Baligaon P.S. Case No. 141 of 2021, subject to the following conditions:-

- (i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.
- (ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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