

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73000 of 2023

Arising Out of PS. Case No.-399 Year-2022 Thana- LALIT NARAYAN UNIVERSITY
District- Darbhanga

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MANISH MAHTO Son of Late Ganaur Mahto R/o Mohalla - Chuna Bhatthi
(Laxmisagar), P.S. - L.N.M.U., Distt. - Darbhanga

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Parwej Khan
For the Opposite Party/s : Mr.Ramchandra Sahn

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 22-11-2023 Heard the parties.

2. The petitioner is in Judicial custody in connection with LNMU P.S. Case No. 399 of 2022, instituted under Section 30(a) of Bihar Prohibition and Excise (Amendment) Act, 2018, lodged on 26.10.2022 by the informant, Ramakant Prasad.

3. As per the prosecution story, the police on patrolling duty upon information reached near old DAV school and recovered / seized 198.600 litres of Nepali liquor in the gunny bags. The local people gave the name of this petitioner. Accordingly, the F.I.R.

4. Learned counsel for the petitioner submits that a bare perusal of the F.I.R. would show that recovery has been made from an open place, the police has not named the person



who gave his name but only to implicate him has dragged in the case because he has criminal antecedent.

5. Learned APP opposes the prayer for bail.

6. Considering the submission put forward by learned counsel for the petitioner and the fact that the recovery is not found from his conscious possession and he is custody since 06.08.2023 (para-4 of the petition), this Court is inclined to grant him privilege of bail.

7. Let the petitioner 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 Exclusive Special Judge-II (Excise Act), Darbhanga, in connection with LNMU P.S. Case No. 399 of 2022, subject to 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 bond by the Trial court itself,

(iii) the petitioner shall appear before the concerned



police station every fortnight for next six months to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds:

(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.

(Rajiv Roy, J)

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