

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75052 of 2023

Arising Out of PS. Case No.-192 Year-2022 Thana- KEWATI District- Darbhanga

Shambhu Mahto @ Shambhu Mandal Son of Basudev Mandal @ Basudev Mahto Resident of Village / Mohalla - Aashi, P.S. - Ghanshyampur, District – Darbhanga.

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kedar Jha

For the Opposite Party/s : Mr.Madan Kumar

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 29-11-2023 Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner seeks bail in connection with Keoti P.S. Case No. 192/2022 registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

3. As per prosecution case, there was alleged recovery of total 116.400 liters Napali wine from Scooty in question and the FIR has been lodged against the owner of the said Scooty.

4. Learned counsel for the petitioner submits that petitioner is innocent and has falsely been implicated in this case. The petitioner is not named in the FIR and the name of



transpired in this case as an owner of the said Scooty. Nothing has been recovered from the conscious possession of the petitioner. The petitioner is languishing in custody since 06.04.2023 and bears criminal antecedent of three cases in which he is on bail and in all cases the petitioner is not named in the FIR. Learned counsel for the petitioner orally submits that Scooty was taken by his friend and he has no knowledge regarding the alleged liquor that has been kept in the said vehicle. He further submits that the seizure list has not been prepared as per the law. He orally further submits that the charge sheet has been submitted in this case and there is no likelihood of tampering with the prosecution evidence.

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

6. Considering the facts and circumstances of the case, period of custody, petitioner is not apprehended on the spot, charge sheet has been submitted in this case and there is no likelihood of tampering with the prosecution evidence and 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 bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like



amount each to the satisfaction of the learned Exclusive Special Judge, Excise-1, Darbhanga in connection with Keoti P.S. Case No. 192/2022, 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.

(vi) If the petitioner is found involved in similar nature of offences in future, the learned trial court shall be at liberty to cancel his bail bond.

(Alok Kumar Pandey, J)

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