

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.4690 of 2023**

Arising Out of PS. Case No.-155 Year-2022 Thana- GURUA District- Gaya

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SANTAN MAHTO @ SANTAN MEHTA @ SANTAN KUMAR S/o Lakhn  
Mahto @ Ramlakhan Mehta R/o Village- Jaipur Nadaura, P.S.- Gurua, Distt-  
Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.Avinash Kumar Singh, Adv.

For the Opposite Party/s : Mr.Rabindra Kumar, APP

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**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA**  
**ORAL ORDER**

3      12-05-2023                      Heard learned counsel for the petitioner and the  
  
learned A.P.P. for the State.

The petitioner seeks bail in connection with Excise  
G.R. No. 857 of 2022 arising out of Gurua P.S. Case No. 155 of  
2022 registered for the offence under Section 30(d) of the  
Bihar Prohibition and Excise Act.

Recovery is of 1400 liters of Jawa Mahua liquor.

Learned counsel appearing for the petitioner  
submits that the petitioner is innocent and has not  
committed any offence and he has falsely been implicated in  
this case at the behest of the local chaukidar. He further  
submits that nothing has been recovered from the conscious  
possession of the petitioner rather the alleged recovery has



been made from the open place and he has no concern at all with the alleged recovery of liquor. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioner. The petitioner is rotting in judicial custody since 19.10.2022.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner and submits that the petitioner carries one more case other than the present one.

Considering the facts and circumstances of the case, let the, above named, petitioner 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 learned Exclusive Special Excise Judge, Excise Court No. 2, Gaya in connection with Excise G.R. No. 857 of 2022 arising out of Gurua P.S. Case No. 155 of 2022 with the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled by the Court below.



(2) 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.

And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

**(Rajesh Kumar Verma, J)**

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