

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74180 of 2022**

Arising Out of PS. Case No.-275 Year-2022 Thana- CHERIYA BARIYARPUR District-
Begusarai

SATISH MAHTO @ SATISH MAHATO Son of Ramswaroop Mahto @
Ramsowrup Mahto R/V- Barkurba, ward no. 13, P.S- Cheriya Bariyarpur,
Dist- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sandip Kumar Gautam, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 03-02-2023 Heard learned counsel for the petitioner and the

learned APP for the State through virtual mode in view of

COVID-19.

The petitioner apprehends his arrest in connection
with Cheriya Bariyarpur P.S. Case No.275 of 2022 instituted
under Sections 120(B), of the IPC, Section 30(a)(b), 32(iii), 41
of Bihar Prohibition and Excise Act, 2018.

As per the prosecution story, the police got secret
information from the Excise Department that from a ten wheeler
truck, illegal liquor is being brought and kept at Essar Petrol
Pump. Accordingly, the petrol pump was raided and from ten
wheeler truck, altogether 3490.92 liters of illegal foreign liquor
was/were recovered/seized along with the vegetable materials.
Further, the police got information from local persons that one



Gopal Singh and the present petitioner are the persons who brought the illegal foreign liquor as they indulged in the business of sale and purchase of the said liquor. Accordingly, the FIR was lodged.

Learned counsel for the petitioner submits both the seizure list witnesses are the members of raiding team and no independent witnesses have come forward to support the case of prosecution as eye witness. Further, the petitioner is in the business of Kirana Shop run by him at his village. No one has seen him moving near the petrol pump where huge quantity of foreign liquor was seized from the truck. Nothing has been seized from his conscious possession nor from his house. Further submission is that irrespective of the outcome of the present petition, the petitioner intends to deposit Rs.50,000/- to the Patna High Court Legal Services Committee through Demand Draft issued by the local State Bank of India branch.

Learned APP on the other hand opposes the prayer for anticipatory bail.

Taking into account the fact that the petitioner do not have criminal antecedent, his name has come on the disclosure of the local people whose name has not been incorporated in the FIR, according to the petitioner's counsel he runs a Kirana shop



and ultimately will have to face the trial, this Court is inclined to grant him privilege of bail subject to payment of Rs.50,000/- as stated above.

Let the petitioner be released on bail, in the event of his arrest or surrender before the Sub-ordinate court within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs.25,000/-(Rupees Twenty Five Thousand) each with two sureties of the like amount each in connection with Cheriya Bariyarpur P.S. Case No.275 of 2022 to the satisfaction of learned Exclusive Special Excise Judge, Ist, Begusarai, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. with further conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner will make himself available to the police as and when required in course of investigation;

(iii) 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;

(iv) the petitioner shall appear before the concerned



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

(v) 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;

(vi) 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)

Prakash Narayan /-

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