

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74696 of 2022

Arising Out of PS. Case No.-263 Year-2022 Thana- HARLAKHI District- Madhubani

RAM KUMAR MAHTO @ RAM KUMAR Son of Late Ashok Mahto R/o
Mohalla- Gangasagar Madarpur, P.S.- Lahariasarai, District- Darbhanga
... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Baidya Nath Prasad, Advocate
For the Opposite Party/s : Mr.Md. Nazir Ansari, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 17-04-2023 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner is an accused in connection with Harlakhi P.S. Case No. 263 of 2022 registered for the offences under sections 272, 273 and 34 of the Indian Penal Code and section 30 (a) of the Bihar Prohibition of Excise Act lodged on 23.08.2022 by the informant, Upendra Prasad.

The prosecution case in short is that during patrolling duty informant received information that from the western road of the Madhubani Village illicit liquor is to be crossed. The informant reached there with other police personals and begin to wait. After some time, a tempo came there but two persons tried to flee away after seeing the police party. However, they were apprehended by the police party. Informant further alleged that after search of the said tempo in presence of the witnesses,



450 bottles of 300 ml. total 135 litre of Nepali wine were The same was seized and accordingly seizure list was prepared. The informant further stated that on the information 12 litre (Twelve Litre) of foreign liquor was also recovered from road side of Gopalpur Village. Accordingly, the FIR.

Learned counsel for the petitioner submit that he does not own the vehicle nor is the driver and only on suspicion being present at the place of occurrence has been arrested.

Learned APP opposes the prayer stating that there is recovery of 135 litre of Nepali liquor.

Considering the fact that the petitioner is in custody since 24.08.2022 (as stated in paragraph-9 of the petition) as also the fact that the petitioner do not have criminal antecedent and will be ultimately facing the trial, this Court is inclined to grant him privilege of bail.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of like amount each to the satisfaction of the learned A.D.J. IInd Cum Special Judge, Excise Act, Madhubani in connection with Harlakhi P.S. Case No. 263 of 2022, subject to the following 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 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/her 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 his 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.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

Jagdish/Neha/-

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