

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79585 of 2023

Arising Out of PS. Case No.-156 Year-2023 Thana- LALIT NARAYAN UNIVERSITY
District- Darbhanga

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Sanjeev Mahto @ Sanjeev Kumar Mahto @ Sanjeeb Mahto Son Of Late
Mushar Mahto Resident Of Village - Azamnagar (LICHIBARA), P.S. - Lnmu,
District - Darbhanga

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Raghwendra Pratap Singh

For the Opposite Party/s : Mr.Dinesh Singh

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 11-12-2023 Heard learned counsel for the petitioner and

learned A.P.P. for the State.

The petitioner seeks bail in connection with
L.N.M.U. P.S. Case No. 156/2023 dated 30.05.2023 registered
for the offences punishable under Sections 30(a) of the Bihar
Prohibition and Excise Act, 2016.

As per prosecution case, it is alleged that two bags
of illicit liquor were recovered within the boundary wall and two
bags of illicit liquor outside the boundary wall of a field were
recovered. Total 142.500 litre foreign liquor was recovered from
the place of occurrence. It is further alleged that petitioner and
others not apprehended on spot. Nearby people who were
present at the place of occurrence, disclosed the name of



petitioner and others who succeeded in fleeing away from the spot.

Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence as alleged in the FIR and he has falsely been implicated in this case. It is further submitted that co-accused Rahul Kumar Mahto on similar and identical allegation has already been granted anticipatory bail by a co-ordinate bench of this Court vide Cr. Misc. No. 67914/2023 and the case of present petitioner stands on better footing as he has already spent more than two months in custody. On the principle on parity, petitioner deserves bail. Petitioner is not apprehended on spot. Basically nothing has been recovered from conscious possession of the petitioner. It is further submitted that the place of recovery is a field, which is an open place and accessible to all. Petitioner is no way concerned with the alleged recovery. Petitioner bears no criminal antecedent. Petitioner is in custody since 24.09.2023.

The learned A.P.P. for the State opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, keeping in view clean antecedent of the petitioner, co-accused on similar and identical allegation has



already been granted anticipatory bail, 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 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), Darbhanga in connection with L.N.M.U. P.S. Case No. 156/2023 dated 30.05.2023, subject to the 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.

(Alok Kumar Pandey, J)

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