

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18840 of 2024

Arising Out of PS. Case No.-489 Year-2023 Thana- Excise P.S. District- Begusarai

Shiv Charan Mahton @ Shiv Charan Mahto Son of Sri Chando Mahto
Resident of Sarukudar, P.S. - Vishnugarh, District - Hazaribagh
(JHARKHAND).

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pritish Kumar Lal
For the Opposite Party/s : Mr. Nand Kishore Pd.

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 10-04-2024 Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner seeks bail in connection with
Begusarai Excise P.S. Case No. 489/2023 registered for the
offences punishable under Sections 30(a) and 32 (3) of the Bihar
Prohibition and Excise (Amendment) Act, 2018.

3. As per prosecution case, petitioner and others are
said to have apprehended on the spot and from the Tempo in
question, 234 liter foreign liquor was recovered.

4. Learned counsel for the petitioner submits that
petitioner is innocent and has falsely been implicated in this
case. Nothing has been recovered from the conscious possession
of the petitioner. The petitioner is languishing in custody since



25.11.2023 and bears criminal antecedent of one case in which he is on bail. He further submits that the petitioner is neither owner nor driver of the tempo in question. The petitioner was apprehended on the spot on the basis of suspicion. Except suspicion, there is nothing on record to demonstrate the complicity of the petitioner with the alleged occurrence. He further submits that the seizure list has not been prepared as per the law. Charge sheet has been submitted in this case and there is no likelihood of tampering with the prosecution evidence. On similar and identical allegation, co-accused Saurav Kumar has already been granted bail by this Court vide Cr. Misc. No.3677/2024 and on the principle of parity, the petitioner also deserves same treatment.

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, co-accused has already been granted bail, charge sheet has been submitted in this case and there is no likelihood of tampering with the prosecution evidence, 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-IIInd, Begusarai in connection with Begusarai Excise P.S. Case No. 489/2023, 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.

(Alok Kumar Pandey, J)

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