

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32649 of 2024

Arising Out of PS. Case No.-238 Year-2020 Thana- TAJPUR District- Samastipur

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Azad Kumar son of Ram Bhawan Mahto @ Ramjivan Mahto Resident of
Village- Barbatta Ps- Musrigharari Dist- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anish Kumar

For the Opposite Party/s : Mrs. Nirmala Kumari

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 26-04-2024 Learned counsel for the petitioner is permitted to

make necessary correction in para 11 of the bail petition during

the course of the day.

2. Heard learned counsel for the petitioner and learned
A.P.P. for the State.

3. The petitioner seeks bail in connection with Tajpur
P.S. Case No. 238/2020 registered for the offences punishable
under Sections 30(a), 41(i) (ii) of the Bihar Prohibition and
Excise Act.

4. As per prosecution case, there is alleged recovery
of 244.80 liters illicit liquor from car in question.

5. Learned counsel for the petitioner submits that
petitioner is innocent and has committed no offence and he has
falsely been implicated in the case. The petitioner is not named



in the FIR and the name of petitioner transpired in this case as an owner of the seized car in question. Nothing has been recovered from the conscious possession of the petitioner. The petitioner is languishing in custody since 19.04.2024. The petitioner bears criminal antecedent of one case in which he is on bail. He further submits that the petitioner is the owner of the said car. The said car has been misused by the driver by showing his friendly gesture and he has no knowledge about the loading of illicit liquor on the seized car. He further submits that there is no compliance of Section 100 of Cr.P.C. Co-accused, Harishchandra Singh @ Vidhayak has already been granted bail by this Court vide Cr. Misc. No.29969/2023 and the case of present petitioner stands on similar footing.

6. The learned A.P.P. for the State vehemently opposed the prayer for bail of the petitioner.

7. Considering the facts and circumstances of the case, period of custody, co-accused has already been granted 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 bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned



Exclusive Special Excise Court No.-02, Samastipur in connection with Tajpur P.S. Case No. 238/2020, 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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