

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59992 of 2024

Arising Out of PS. Case No.-671 Year-2024 Thana- Excise P.S. District- Aurangabad

Shakti Kumar son of Late Lalan Mahto @ Late Lallu Mahto Village-
Shivganj Ps- Madanpur Dist- Aurangabad, A/P- Sri Krishna Nagar Ps-
Aurangabad Town Dist- Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Mukul Kumari

For the Opposite Party/s : Mr.Tarkeshwar Nath Thakur

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 28-08-2024 Heard learned Advocate for the petitioner and learned
Additional Public Prosecutor for the State.

2. This is an application for grant of bail to the petitioner, who is in custody in connection with G.R. No. 1217 of 2024 arising out of Excise P.S. Case No. 671 of 2024, registered for the offences punishable under Sections 30(a), 30(c), 30(d), 32(3) of the Bihar Prohibition and Excise Act, 2018.

3. The allegation against the petitioner is of manufacturing illicit liquor in the house of late Ved Narayan Sharma for the purpose of selling. On the secret information, the police conducted raid and apprehended the petitioner. On search, total 64.800 litres of Indian made foreign liquor, 5 litres



of spirit and some utensils were recovered.

4. Learned Advocate for the petitioner drawing the attention of this Court to the seizure list submitted that the alleged recovery has been made from the house of late Ved Narain Sharma and only on account of the fact that the petitioner was found present, his name has been implicated. The reason for false implication is also his past criminal antecedent of identical nature as has been disclosed in paragraph-3. It is next contended that despite the fact that the illicit wine and utensils have been recovered from the house of late Ved Narain Sharma but surprisingly there is no independent witness to the search and seizure which smacks *mala fide* on the part of the police personnel. It is next contended that be that as it may the petitioner undertakes that he will fully cooperate in the proceeding of the court and now he has been incarcerated since 12.07.2024.

5. On the other hand, learned APP for the State opposes the bail application.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that the recovery has been made from the house of late Ved Narain Sharma with whom the petitioner has no concern and moreover, the



investigation of the crime is complete and the charge-sheet has been submitted, let the petitioner, abovenamed, 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 learned court of Special Judge of Excise, Aurangabad in connection with G.R. No. 1217 of 2024 arising out of Excise P.S. Case No. 671 of 2024, subject to the condition that one of the bailors shall be the own/close family members of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) The court below shall verify the criminal antecedent of the petitioner and in case, at any stage, it is found that the petitioner has concealed his criminal antecedent, the



court below shall take immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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