

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60004 of 2024

Arising Out of PS. Case No.-112 Year-2024 Thana- MEDNI CHAUKI District- Lakhisarai

Nageshwar Mahto Son of Late Ganga Mahto R/V- Village- Banshipur
Chandra Tola, Ward no. 03, P.S.- Medini Chowki, Distt.- Lakhisarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rakhi Kumar

Mr.Rabi Bhushan

For the Opposite Party/s : Mr.Khurshid Anwar

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL ORDER

2 31-08-2024 Heard Ms Rakhi Kumari, 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 Medni Chowki
P.S. Case No. 112 of 2024, registered for the offences
punishable under Sections 30(a), 32 of the Bihar Prohibition and
Excise (Amendment) Act, 2022.

3. The allegation against the petitioner is of indulge in
trafficking of illicit wine. The police conducted raid and
recovered 15 litres of countrymade liquor from the toilet
situated in the house of the petitioner.

4. Learned Advocate for the petitioner contended that
the house in question is a joint family house where several
persons reside and as such the petitioner cannot be made sole



responsible for that. It is next contended that the name of the petitioner has been implicated in this case only on account of one criminal antecedent of identical nature and save and except the aforesaid fact, there is no other cogent material. The seizure list clearly reveals that the witnesses are none-else but the police personnel. Moreover, had the recovery been made from the house of the petitioner, copy of the seizure list would have certainly been served upon the petitioner or his family members but this has not been done. Thus, *mala fide* writ large.

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

6. Regard being had to the submissions made on behalf of the parties and considering the infirmities in the search and seizure, coupled with the fact that the alleged recovery has been made from the joint family house, 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 Additional District and Sessions Judge-V-cum-Special Excise Court No.2, Lakhisarai in connection with Medni Chowki P.S. Case No. 112 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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