

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61913 of 2024

Arising Out of PS. Case No.-302 Year-2024 Thana- Excise P.S. District- Sheikhpura

Surendra Mahto @ Surendra Prasad S/o Late Brahamdeo Mahto R/O -
Murarpur, P.S - korma, District - Sheikhpura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pankaj Kumar, Advocate

For the Opposite Party/s : Mr. Kalyan Shankar, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 04-09-2024 Heard the learned Advocate for the petitioner and the
learned APP for the State.

2. The petitioner seeks regular bail, who is in custody
in connection with Sheikhpura Excise P.S. Case No. 302 of
2024, registered for the offence punishable under Sections 30(a)
of the Bihar Prohibition and Excise Act.

3. The police on a tip of manufacturing of illicit wine
conducted raid. However, noticing the police party, one person
tried to flee away, who was apprehended by the police and he
disclosed his name as Surendra Mahto @ Surendra Prasad
(petitioner). In course of search, 30 liters country made liquor
along with other utensils were recovered.

4. Learned Advocate for the petitioner contended that
the petitioner is a man of 71 years and only on account of two part



criminal antecedent, his name has been implicated in this case, though the petitioner is on bail in both the cases. It is next contended that the alleged recovery has been made from an open place, which is easily accessible to all and for that, the petitioner cannot be held exclusively responsible. Be that as it may, now the investigation of the crime is complete and the petitioner has been incarcerated since 26.07.2024.

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

6. Regard being had to the submissions made on behalf of the parties and considering the fact that the alleged recovery has been made from an open place and the seizure list witnesses are none else but the police personnel, coupled with the fact that the investigation of the crime is complete, let the petitioner, named above, 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 Exclusive Special Excise Judge, Sheikhpura in connection with Sheikhpura Excise P.S. Case No. 302 of 2024, subject to the condition that one of the bailors will be the close relatives 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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