

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69931 of 2024

Arising Out of PS. Case No.-461 Year-2024 Thana- MADHAURAH District- Saran

Shivcharan Mahto @ Shivnaryan Mahto @ Shivnarayan Kumar Son of
Tarkeshwar Mahto R/o Village- Pearpurwar, Police Station- Mardhawarh,
District- Saran at Chapra

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Avinash Kumar Pandey
For the Opposite Party/s : Mr.Dr. Indihar Kumari

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 05-10-2024 Heard the parties.

2. The petitioner is in judicial custody in connection with Marhaurah P.S. Case No. 461 of 2024 for the offences punishable under Sections 30(a) of Bihar Prohibition and Excise Act, 2016 lodged on 08.08.2024 by the informant, Vijay Shankar Upadhyay.

3. As per the prosecution story, the informant alleged that on 08.08.2024, during patrolling and upon secret information, raided the place and from the bushes, 500 litres of country made liquor recovered/seized. The local people gave the name of the petitioner after which he came into judicial custody and is there since 18.08.2024 (para-7 of the petition).

4. Learned counsel for the petitioner submits that the



petitioner is a labour, working in NOIDA and admittedly, recovery is from an open place (bushes) which cannot be attributed to him. Only because he has criminal antecedent, implicated.

5. Learned APP opposes the prayer.

6. Considering the fact that the recovery/seizure is from the bushes, he has remained in custody since 18.08.2024, this Court is inclined to extend him the privilege of bail.

7. Let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Additional Sessions Judge-cum 2nd Exclusive Special Excise Judge, Saran at Chapra in connection with aforesaid P.S. Case, subject to the following conditions:

(i) one of the bailors should be the family member of the petitioner who shall provide official document to show his bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned



police station every month for next six months to mark his attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

(Rajiv Roy, J)

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