

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72111 of 2024

Arising Out of PS. Case No.-81 Year-2020 Thana- OBRA District- Aurangabad

Nandlal Mahto @ Nandu Mahto @ Nanda Mahto @ Nandlal Prasad Son of
Late Kameshwar Mahto R/O Vill.- Gira, P.S.- Obra, Dist.- Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Amarendra Kumar Singh, Adv.

For the Opposite Party/s : Mr.Nand Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 04-10-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with Obra
P.S. Case No. 81 of 2020 registered for the offences punishable
under Sections 30(a) of the Bihar Prohibition and Excise
(Amendment) Act, 2018.

3. As per prosecution case, there is alleged recovery
of 675.9 liters country made liquor from the straw house of the
petitioner. It is further alleged that petitioner and others are
engaged in selling the illicit liquor.

4. Learned counsel for the petitioner submits that
petitioner is quite innocent and has not committed any offence
as alleged in the first information report and he has been falsely
implicated in this case. Petitioner is in custody since



27.08.2024. Petitioner has no criminal antecedent. Seizure list has not been made as per law. Petitioner has no knowledge regarding the alleged seized article. He further submits that place of recovery is outside the house of the petitioner and the same is an open place which is accessible to all. Learned counsel further submits that co-accused Anil Mahto @ Anil Kumar @ Anil Kumar Mahto has already been granted bail by this Court vide Cr. Misc. No. 42566 of 2022.

5. The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

6. Considering the facts and circumstances of the case, petitioner bears clean antecedent, co-accused has already been granted bail, argument advanced on behalf of both sides and material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of Additional Sessions Judge I-cum-Special Judge, Excise II, Aurangabad in connection with Obra P.S. Case No. 81 of 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 tamper 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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