

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76271 of 2024

Arising Out of PS. Case No.-231 Year-2024 Thana- KALYANPUR District- Samastipur

Sitab Lal Mahto Son of Yadu Mahto Resident of Village- Purushottampur,
Ward No. 5, P.S.- Kalyanpur, Distt.- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dilip Kumar Roy, Adv

For the Opposite Party/s : Mr. Ganesh Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 28-10-2024 Heard Mr. Dilip Kumar, learned counsel for the
petitioner and Mr. Ganesh Pd. Singh, learned APP for the State.

2. The petitioner is in judicial custody in connection with Kalyanpur P.S. Case No. 231 of 2024 for the offences punishable under Sections 30(a) of the Bihar Prohibition and Excise Act, lodged on 08.09.2024 by the informant, Vinod Yadav.

3. As per the prosecution story, the informant alleged that upon information, the house of the petitioner was raided and there is recovery/seizure of 18 litres country made liquor. Accordingly, the FIR.

4. Learned counsel for the petitioner submits that nothing has been recovered from his conscious possession rather from the house which is a joint property, he has remained in



custody since 09.09.2024 (para-11 of the petition) and has no criminal antecedent.

5. Learned APP opposes the prayer.

6. Taking into account the aforesaid facts as also the submissions put forward by the parties and further he does not have criminal antecedent, 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 Exclusive Special Judge, Excise-I, Samastipur 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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