

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76650 of 2024

Arising Out of PS. Case No.-192 Year-2024 Thana- ROSERA District- Samastipur

Dharmendra Mahto Son of Rajendra Mahto Resident of Village - Panchupur ,
Police Station - Rosera , District - Samastipur

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mahendra Pratap Adv.

For the Opposite Party/s : Mr. Dr. Kumar Uday Pratap, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 28-10-2024 Heard Mr. Mahendra Pratap, learned counsel for the
petitioner and Dr. Kumar Uday Pratap, learned APP.

2. The petitioner is in custody in connection with
Rosera P.S. Case No. 192 of 2024 for the offence punishable
under sections 30(a) of the Bihar Prohibition and Excise
(Amendment) Act lodged on 18.08.2024 by the informant,
Umesh Paswan.

3. As per the prosecution story, the informant alleged
that from the husk house of the petitioner, there is
recovery/seizure of 20.08 litre foreign liquor besides the mobile
phone and the cash. Accordingly, the FIR and the arrest.

4. Learned counsel for the petitioner submits that a
perusal of the FIR would show that the recovery is from a husk
house which is an open place having access to everyone. There



is no recovery from his conscious possession but only because of his criminal antecedent, implicated, he is in custody since 20.08.2024 (para 11 of the petition).

5. Learned APP opposes the prayer for bail submitting that he has criminal antecedent.

6. Considering the submissions put forward by the parties as also the fact that the recovery/seizure is from an open place, he is in custody since 20.08.2024, this Court is inclined to extend him the privilege of bail with conditions.

7. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Exclusive Court of learned Special Judge, Excise-I, Samastipur in connection with Rosera P.S. Case No. 192 of 2024 subject to the following conditions:

(i) one of the bailor should be the family member/relative of the petitioner who shall provide official document to show his/her 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 fortnight for one year 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)

Vijay Singh/-

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