

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80320 of 2024

Arising Out of PS. Case No.-154 Year-2024 Thana- Excise P.S. District- Siwan

Vijay Mahto S/o- Late Laxman Mahto Resident of Village- Noniyadih PS-
Maharajganj, Dist- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Gajendra Kumar Singh, Advocate
For the State : Mr. Sanjay Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 21-11-2024 Heard the parties.

2. The petitioner is in judicial custody in connection with Maharajganj Excise P.S. Case No. 154 of 2024 for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act, lodged on 15.10.2024 by the informant, Pavitra Kumari.

3. As per the prosecution story, the police upon information, raided the hut of the petitioner and there is recovery/seizure of 50 liters of country made liquor. This led to the F.I.R./arrest.

4. Learned counsel for the petitioner submits that the recovery admittedly is from the hut which is a joint property. Nothing has been recovered from his conscious possession and has been implicated only because he has criminal antecedent,



he shall ensure no such implication comes again failing which the State shall be free to take steps for cancellation of his bail bond, if granted relief. Further, he shall be diligently appearing in trial.

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

6. Taking into account the submissions put forward by the parties as also the fact that recovery is from the hut, he is in custody since 15.10.2024(paragraph no.8 of the petition) and has undertaken to diligently appear in trial, this Court is inclined to extend him the privilege of bail.

7. Let the petitioner 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 Excise Court No.-II, Siwan in connection with Maharajganj Excise P.S. Case No. 154 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 *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial Court 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 next one year to mark his attendance;

(iv) the petitioner shall in now 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 bail bonds.

(Rajiv Roy, J)

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