

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81209 of 2024

Arising Out of PS. Case No.-116 Year-2024 Thana- LAKHNAUR District- Madhubani

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1. Mahesh Mahto S/o- Late Nathuni Mahto Village- Bela, Ward No.-5, P.S. Lakhnaur, District-Madhubani
 2. Durganand Kumar S/o- Nagendra Yadav Village- Sarauti W.No-11, Ps- Goghardihya Dist-Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jitendra Kumar Bharti, Advocate
For the State : Mr. Sanjay Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 27-11-2024

Heard the parties.

2. The petitioners are in judicial custody in connection with Lakhnaur P.S. Case No. 116 of 2024 for the offences punishable under Sections 274, 275, 317(5) and 3(5) of the Bharatiya Nyaya Sanhita and section 30(a) of the Bihar Prohibition and Excise Act, lodged on 13.09.2024 by the informant, Ravi Kumar Yaduvendra.

3. As per the prosecution story, the informant alleged that during night patrolling, upon information, intercepted a motorcycle and there is recovery of 120 liters of country made liquor, which led to the F.I.R./arrest.

4. Learned counsel for the petitioners submit that



only because of criminal antecedent they have been implicated and have no concern with the motorcycle not being the owner, a passer-by who have been implicated, they have already remained in custody since 13.09.2024 (paragraph no.20 of the petition).

5. Learned APP for the State opposes the prayer for bail.

6. Taking into account the aforesaid facts as also the fact that they do not own the motorcycle and are in custody since 13.09.2024, this Court is inclined to extend him the privilege of bail.

7. Let the petitioners 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 Special Judge, Excise Act, Jhanjharpur, Madhubani in connection with Lakhnaur P.S. Case No. 116 of 2024, subject to the following conditions:

(i) one of the bailor should be the family member/relative of the petitioners who shall provide official document to show his *bona fide*;

(ii) the petitioners 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
their bond by the Trial Court itself;

(iii) the petitioners shall appear before the concerned
police station every fortnight for next one year to mark their
attendance;

(iv) the petitioners 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 petitioners 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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