

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80760 of 2024

Arising Out of PS. Case No.-339 Year-2024 Thana- TARAIYA District- Saran

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1. Anand Kumar Mahto @ Anand Mahto Son of Sheo Prasad Mahto Resident of village- Basantpur P.S- Panapur District -Saran
 2. Santosh Kumar @ Santu Kuamr Son of Krishna Mahato village- Pokharera, Ps- Taraiya, Dist- Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Ashi Wats, Adv.

For the Opposite Party/s : Mr.Narsingh Tanti, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 25-11-2024 Heard Ms. Ashi Wats, learned counsel for the
petitioners and the State.

2. The petitioners are in judicial custody in connection with Taraiya P.S. Case No. 399 of 2024 for the offences punishable under section 126(2), 115, 132, 3(5) of the BNS and section 30(a) of the Bihar Prohibition and Excise Act, lodged on 13.08.2024 by the informant, Ashutosh Kumar Singh.

3. As per the prosecution story, the informant alleged that the 'Dalaan' of the Kishore Manjhi was raided and there is recovery/seizure of 10 litres of country made liquor. It is alleged, that these petitioners used to visit the said place for consuming liquor which led to the FIR/arrest

4. Learned counsel for the petitioners that both were



passersby, just went to have look on the police raid, implicated. Further, they are in custody since 14.08.2024 (para-4 of the petition) having no criminal antecedent.

5. Learned APP opposes the prayer submitting that their names have come in the FIR.

6. Considering the submissions put forward by the parties as also the fact that recovery/seizure is from 'Dalaan' of one Kishore Manjhi, they have no criminal antecedent and have remained in custody since 14.08.2024, this Court is inclined to extend them the privilege of bail.

7. Let the petitioners, 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 3rd Exclusive Special Excise Judge, Saran in connection with aforesaid P.S. Case subject to the following conditions:

(i) one of the bailors should be the family member 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 and failure to do so for two consecutive dates without plausible reason will entail cancellation of their bail bond by the Trial Court itself;



(iii) the petitioners shall appear before the concerned police station every month for next six months to mark their attendance;

(iv) the petitioners 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 petitioners shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of their bail bonds.

(Rajiv Roy, J)

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