

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82265 of 2024

Arising Out of PS. Case No.-299 Year-2024 Thana- MOHANPUR District- Gaya

Nand Kishore Mahto Son of Late Bhimsen Mahto R/o- Manpur Pihani
Madarsa PS -Biniyadganj, Distt.- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Paras Nath, Advocate

For the Opposite Party/s : Mrs.Gulnar Begum, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 02-12-2024 Heard the parties.

2. The petitioner is in judicial custody in connection with Mohanpur P.S. Case No. 299 of 2024 for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise Act lodged on 22.10.2024 by the informant, Jangli Mandal.

3. As per the prosecution story, the Police upon secret information, intercepted a Tempo and there is recovery/seizure of 21 liters of foreign liquor and 91.500 liters of beer (totalling 112.500 liters of foreign liquor). This led to the FIR.

4. Learned counsel for the petitioner submits that though he is the driver cum owner of the vehicle had no realization that passenger has left the bag from which the recovery/seizure is made. Further, he has no criminal antecedent



and lastly irrespective of the outcome of the present case and/or accepting the allegation, the petitioner intends to contribute Rs.10,000/- to the District Legal Services Authority, Gaya for the purchase of steel Benches for the Civil Court Campus, Gaya through Demand Draft issued by the local branch of the State Bank of India.

5. Learned APP opposes the prayer.

6. Taking into account the aforesaid submission put forward by the parties as also the fact that the petitioner do not have criminal antecedent, is in custody since 23.10.2024, FIR lodged, will be facing the trial, this Court is inclined to extend him the privilege of bail subject to payment of Rs.10,000/- to the District Legal Services Authority, Gaya for the purchase of steel Benches for the Civil Court Campus, Gaya through Demand Draft issued by the local branch of the State Bank of India.

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.V, Gaya, in connection with Mohanpur P.S. Case No. 299 of 2024 with 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 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 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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