

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2008 of 2024

Arising Out of PS. Case No.-578 Year-2023 Thana- NATHNAGAR District- Bhagalpur

1. Rajendra Mahto S/o Late Faujdari Mahto R/o village-Shankarpur Bind Toli,
P.S.-Nathnagar, District-Bhagalpur
2. Sanjay Kumar S/o Shiv Shankar Mahto R/o village-Shankarpur Bind Toli,
P.S.-Nathnagar, District-Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Diwakar Upadhyaya

For the Opposite Party/s : Mr.Nawal Kishore Prasad

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 29-01-2024 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners seek bail in connection with
Nathnagar P.S. Case No. 578 of 2023 registered for the offences
punishable under Sections 30(a), 30(d) and 41(i) of the Bihar
Prohibition and Excise Act,2016.

3. As per prosecution case, 80 litre country made
liquor and several equipment for preparing illicit liquor were
recovered from the field and both petitioners apprehended on
the spot.

4. Learned counsel for the petitioners submits that
petitioners are in custody since 13.07.2023 and bear no criminal



antecedent. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. He further submits that there is no compliance of Section 100 of Cr.P.C. The place of recovery is an open place, which is accessible to all. Nothing has been recovered from the conscious possession of the petitioners. Petitioners are quite innocent and have falsely been implicated in the case.

5. The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioners.

6. Considering the facts and circumstances of the case, period of custody, keeping in view clean antecedent of the petitioners, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioners above named be released on bail, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Judge-II, Bhagalpur or his successor court in connection with Nathnagar P.S. Case No. 578 of 2023, subject to following conditions:-

(i) One of the bailors shall be either father or



mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioners will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Alok Kumar Pandey, J)

vashudha/-

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