

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4318 of 2024

Arising Out of PS. Case No.-445 Year-2018 Thana- LALGANJ District- Vaishali

Bigan Mahto @ Bigan Mahto S/O CHARAN MAHO R/O vill - Madhopur
Ram p.s Lalganj (Balsor OP) Dist-Vaishali

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anil Kumar, Advocate

For the Opposite Party/s : Mr. Jitendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 05-02-2024 Heard Mr. Anil Kumar, learned counsel for the

petitioner and Mr. Jitendra Kumar Singh, learned APP for the

State.

2. The petitioner is in custody in connection with
Lalganj P.S. Case No. 445 of 2018 for the offence punishable
under sections 30(a), 32(ii), 41(i) of the Bihar Prohibition and
Excise Act, 2016, lodged on 12.12.2018 by the informant, Rajiv
Ranjan Shrivastava.

3. As per the prosecution story, upon information,
raided the house of Ramu Mahto and recovered 1807.560 liters
of foreign liquor. Accordingly, the FIR.

4. Learned counsel for the petitioner submits that the
alleged recovery is from the house of Ramu Mahto, nothing has
been recovered form the conscious possession of this petitioner,



the locals gave his name due to enmity.

5. Learned APP opposes the prayer for bail.

6. Taking into account the aforesaid submission put forward by the parties as also that the recovery is from the house of Ramu Mahto, he is in custody since 21.09.2023 (para 1 of the petition) and do not have any criminal antecedent, this Court is inclined to extend him the privilege of bail with conditions.

7. Let the petitioner 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 Exclusive Special Excise Court No. 1 cum Additional District and Session Judge, Vaishali at Hajipur, in connection with Lalganj P.S. Case No. 445 of 2018, subject to the following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her 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 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.

8. With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

Adnan/-

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