

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16147 of 2025

Arising Out of PS. Case No.-59 Year-2023 Thana- KHANPURA District- Samastipur

Jitendra Kumar @ Jitendra Kumar Mahto Son of Devnarayan Mahto Resident
of Vill- Khanpur Ward No. 10, P.S.- Khanpur, District- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bijay Bhushan Prasad

For the Opposite Party/s : Mr.Pranav Kumar

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 25-04-2025 Heard the parties.

2. Application is for grant of bail to the petitioner, who is in custody in connection with Khanpur P.S. Case No. 59 of 2023, registered for the offences punishable under Sections 30(a) and 37(c) of the Bihar Prohibition and Excise (Amendment) Act, 2022.

3. The police on a tip off trafficking of illicit wine raided the house of co-accused Rajesh Kumar and apprehended him on the spot. In course of search, 37.890 Indian made foreign liquor was recovered. The apprehended person disclosed the name of his associates including the petitioner who succeeded in fleeing away.

4. Learned Advocate for the petitioner after taking this Court through the FIR has contended that admittedly the



recovery of illicit wine has been made from the joint family house of the petitioner where several persons reside. The petitioner has neither any concern with the illicit wine nor the place where recovery has been made. Only on account of one criminal antecedent, as has been disclosed in paragraph-3, the name of the petitioner has been implicated in this case. Moreover the disclosure of co-accused person does not find any corroboration from other material. It is further contended that co-accused Mukesh Kumar @ Mukesh Kumar Mahto having identical allegation has been extended the privilege of regular bail by the learned co-ordinate Bench of this Court in Cr. Misc. No. 77035 of 2023 vide order dated 02.12.2023 and the case of the petitioner is based on parity. It is lastly contended that be that as it may, now the petitioner is in custody since 08.01.2025 and the charge sheet has already been submitted.

5. On the other hand, learned APP for the State vehemently opposes the bail application and submits that the recovery of illicit wine from the joint house of the petitioner clearly suggests his complicity in the crime.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that the investigation of the crime is complete and the charge sheet has



been submitted, let the petitioner, abovenamed, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge (Excise)-01, Samastipur in connection with Khanpur P.S. Case No. 59 of 2023 subject to the condition that one of the bailors shall be the own/close family members of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) The court below shall verify the criminal antecedent of the petitioner and in case, at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in



terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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