

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82121 of 2024

Arising Out of PS. Case No.-307 Year-2024 Thana- RAJNAGAR District- Madhubani

Ajay Mahto, S/o Mahesh Mahto, Resident of Village- Rampatti, P.S.- Rajna-
gar, District- Madhubani Petitioner/s

Versus

The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shailendra Kumar Jha, Advocate

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

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY

ORAL ORDER

3 16-04-2025 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the state.

2. The petitioner seeks bail in connection with Rajna-
gar P.S. Case No. 307 of 2024 (G.R. No. 1127 of 2024) dated
11.08.2024 instituted for the offences under Sections 274, 275
and 3(5) of Bhartiya Nyay Sanhita and 30(a) of Bihar Prohibi-
tion and Excise Act.

3. The prosecution story is that on a secret informa-
tion the patrolling party of police reached the place of occur-
rence where the accused tried to escape. However, one person
was apprehended namely Monu Kumar and there is recovery of
360 litres country-made liquor as also 36 litres beer from the
bridge.

4. It is submitted by learned counsel for the petitioner
that nothing incriminating material has been recovered from the
conscious possession of the petitioner and his name has been



surfaced in the confessional statement of co-accused Monu Kumar. It is further submitted that the petitioner has clean antecedent and is in custody since 19.10.2024.

5. Learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid submissions of respective counsels and taking into account that nothing was recovered from the possession of the petitioner and his name has surfaced in the confessional statement of co-accused Monu Kumar and the petitioner is in custody since 19.10.2024, the petitioner, above named, is directed to be released on bail on furnishing bail-bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-II-cum-Special Judge, Excise Act, Madhubani in connection with Rajnagar P.S. Case No. 307 of 2024 (G.R. No. 1127 of 2024), subject to the the following conditions:-

(i) One of the bailors will be a close relative of the petitioner.

(ii) The petitioner will remain present on each and every date fixed by the Court below, if so required by the learned Trial Court.



(iii) In case of absence on two consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be canceled by the Court concerned.

(iv) If the petitioner is found to be engaged in any other incident of similar nature the prosecution shall be at liberty to approach the learned Court below for cancellation of bail of the petitioner.

7. In view of the antecedents of the petitioner, the petitioner is directed to appear before the Superintendent of Police, Madhubani within fifteen days of his release with a copy of this order and every two weeks thereafter for the next nine months. The conduct of the petitioner will be kept under watch in this period by the Superintendent of Police concerned and if it is found wanting in any respect, a report shall be made to the court concerned by him to initiate a proceeding for cancellation of bail for reasons of misuse of bail. After reporting to the Superintendent of Police, a certificate will be filed by the petitioner before the court concerned.

(Sourendra Pandey, J)

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