

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85903 of 2024

Arising Out of PS. Case No.-58 Year-2023 Thana- NADI P.S. District- Patna

Shankar Mahto S/O Jimmedari Mahto @ Jimdari Mahto R/O Village-
Gulmahiya Chak, P.S- Nadi, Distt.- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Jay Ram Prasad, Adv

For the Opposite Party/s : Mr.Renu Kumari, APP

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

3 04-04-2025 Heard learned counsel for the petitioner and the
State.

2. Petitioner seeks bail in connection with Nadi P.S.
Case No. 58 of 2023 registered for the offences punishable
under Sections 30(a) of the Bihar Prohibition & Excise Act.

3. From perusal of the first information report as also
the seizure list, it would appear that 54 liters of country made
liquor was recovered from the hut .

4. The learned counsel for the petitioner submits that
recovery has not been made from conscious possession of the
petitioner. The petitioner also submits that the seizure list
witnesses are also police personnel and the name of the
petitioner has only been disclosed by nearby persons. It is stated
in Paragraph-13 of the petition that he had already been granted
privilege of anticipatory bail vide order dated 16.05.2023 passed
in Cr. Misc. No. 26155 of 2023 but however, he could not file



the bail bonds and he was arrested and remanded to the present case on 06.08.2024 and since then he is in custody. The charge sheet has been submitted.

5. The learned APP for the State however opposes the application on the ground of criminal antecedent of the petitioner.

6. Considering the facts and circumstances that petitioner had already been granted privilege of anticipatory bail and co-accused Vikash Mahto has been granted bail vide order dated 15.5.2023 passed in Cr. Misc. No. 20009 of 2023, the petitioner shall be released on bail on furnishing bail bonds of Rs 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge Excise, Patna city in Nadi P.S. Case No.58 of 2023, subject to the following conditions :- (i) the petitioner shall co-operate in investigation/ trial. (ii) the learned trial court shall verify the criminal antecedent of the petitioner before releasing him on bail.

N.K/-

(Soni Shrivastava, J)

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