

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.78001 of 2018

Arising Out of PS. Case No.-227 Year-2018 Thana- HARLAKHI District- Madhubani

Chulhai Mahto S/o Late Kashi Mahto, R/o Vill.- Gangaur, P.S.- Harlakhi,
District- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manish Kumar No 13

For the Opposite Party/s : Mr.Sri Ahtash Ali Khan

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

2 07-01-2019 Heard learned counsel for the parties.

Petitioner seeks bail in Harlakhi P.S. Case No.227 of 2018 registered for the offence punishable under Section 272 and 273 of the Indian Penal Code and under Section 30(a) of the Bihar Prohibition & Excise Act, 2016.

Allegation is recovery of 198 litres Nepali Saufi wine from six bags which were thrown by the co-accused persons when they were challenged by the police, however, the petitioner was apprehended on the spot.

It has been submitted on behalf of the petitioner that he is innocent and has falsely been implicated in this case as the real culprits after throwing the bags containing illicit liquor fled away from the place of occurrence and the petitioner being a passer-by was implicated in this case. Petitioner has no criminal antecedent and he is in custody since 03.10.2018.



Considering the aforesaid facts and circumstances of the case, let the petitioner named above be released on bail upon furnishing bail bond of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of learned Additional District & Sessions Judge-II-cum-Special Judge, Excise, Madhubani in connection with Harlakhi P.S. Case No.227 of 2018, with following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court.

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

(4) If the petitioner is found involved in similar nature of offences, after his release on bail the trial court shall take steps to cancel his bail bond.

(S. Kumar, J)

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