

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.69165 of 2019**

Arising Out of PS. Case No.-22 Year-2019 Thana- KHIRHAR District- Madhubani

Govind Mahto Son of Chalitar Mahto Resident of Village-Semhali, P.S-  
Khirhar, District-Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Rana Bhupendra Narayan Singh, Advocate  
For the Opposite Party/s : Mr.Narsingh Tanti, APP

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH**  
**ORAL ORDER**

2      25-11-2019                      Heard learned counsel for the petitioner and the State.

The petitioner seeks bail in **Khirhar P.S. Case No. 22 of 2019, G.R. No. 792 of 2019**, registered for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

As per prosecution case, while the informant and others were on patrolling duty, they saw two persons coming on a motorcycle. On seeing the police party, both of them tried to flee away, but one person having a plastic bag was apprehended by the police and another fled away. The apprehended accused disclosed his name as Saroj Mahto and named this petitioner, as the person who fled away. From the said plastic bag 52 litres 500 m.l. of liquor is said to have been recovered.

It is submitted by learned counsel appearing on behalf



of petitioner that petitioner has falsely been implicated in this case. Name of petitioner has come on the basis of confessional statement of co-accused. Nothing has been recovered from possession of this petitioner. Co-accused Saroj Mahto has been granted bail by a Coordinate Bench of this court vide order dated 28.06.2019 passed in Cr. Misc. No. 39238 of 2019 vide Annexure -2. Petitioner is in custody since 25.09.2019 having clean antecedent.

Considering the facts aforesaid, the petitioner above-named, is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000 (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 **Khirhar P.S. Case No. 22 of 2019, G.R. No. 792 of 2019**, subject to the conditions:-

(i) The petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and in the event of failure on two consecutive dates without sufficient reasons, his bail bond shall be liable to be cancelled by the court below.

(ii) 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.

**(Prabhat Kumar Singh, J)**

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