

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 72601 of 2019

Arising Out of PS. Case No.-110 Year-2019 Thana- BATHNAHA District- Sitamarhi

Shatrughan Mahto @ Satrudhan Mahto @ Shatruhan Mahto, aged about 38 years, male, Son of Diplal Mahto Resident of Village - Ranauli, P.S.- Bathnaha, Distt - Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Jha

For the Opposite Party/s : Mr.Akbar Ali

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2. 27-11-2019 Heard learned counsel for the parties.

The petitioner seeks bail in Bathnaha P.S. Case No. 110 of 2019 registered for the offence under Sections 272, 273 of the Indian Penal Code and Section 30(A)(C) of Bihar Prohibition and Excise Act, 2016.

As per prosecution case, 140 liters of foreign liquor has been recovered from a Bamboo clump behind the house of the petitioner.

It is submitted on behalf of petitioner that petitioner has falsely been implicated in this case and nothing has been recovered from his conscious possession, and petitioner has nothing to do with the aforesaid Bamboo clump. He further submits that Section 100 Cr.P.C. has not been followed with



respect to search and seizure. There is also no allegation against the petitioner of tampering with the evidence and petitioner is in custody since 31-07-2019, having no criminal antecedent.

Considering the aforesaid facts and circumstances as well as nature of accusation, let the above named petitioner 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 learned Additional District Judge II cum Special Judge, Excise Act, Sitamarhi in connection with Bathnaha P.S. Case No. 110 of 2019 on the following conditions:

(1) Petitioner shall cooperate 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 on his absence on two consecutive dates without sufficient reason, his bail-bond shall be cancelled by the Court below.

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

(Prabhat Kumar Singh, J.)

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