

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 82692 of 2019

Arising Out of PS. Case No.-244 Year-2018 Thana- LALIT NARAYAN UNIVERSITY
District- Darbhanga

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Rajesh Kumar Mahto, aged about 26 years (Male) Son of Umesh Mahto
Resident of Village - Chunabhatti, Laxmi Sagar, Saidpur, Near D.A.V. School,
P.S.- L.N.M.U., District - Darbhanga.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Ashok Kumar Prasad
For the Opposite Party/s : Mr.Kumar Ranjit Ranjan

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2. 12-12-2019 Heard learned counsel for the parties.

The petitioner seeks bail in L.N.M.U. P.S. Case No. 244 of 2018/G.O. No. 969 of 2018 registered for the offence under Section 30(a) of Bihar Prohibition and Excise Act, 2016.

As per prosecution case, 48 liters of Nepali liquor was recovered from a bag kept on the motorcycle and petitioner's name has come during course of investigation, as the person, who fled away after leaving the motorcycle.

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. Petitioner is neither owner of the said motorcycle nor he has any concern with the seized liquor. It is further submitted that mandatory provision of Section 100 Cr.P.C. has not been followed with respect to search and seizure. In this case, chargesheet has also been submitted



and as such, there is no chance of tampering with the evidence and petitioner is in custody since 31-08-2019, 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 Addl. District & Sessions Judge II cum Special Judge (Excise Act), Darbhanga in connection with L.N.M.U. P.S. Case No. 244 of 2018/G.O. No. 969 of 2018 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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