

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19639 of 2020

Arising Out of PS. Case No.-356 Year-2019 Thana- GOPALGANJ TOWN District-
Gopalganj

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LADDU KUMAR MAHATO @ LADDU KUMAR Son of Biresh Mahato
Resident of Village- Nayatola, Banjari, P.S.- Gopalganj, District- Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Ms.Sanjana
For the Opposite Party/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 19-06-2020 This matter is taken up for consideration through

Video Conferencing under the orders of Hon'ble the Chief

Justice.

Heard learned counsel for the petitioner and the State.

The petitioner seeks bail in **Gopalganj P.S. Case No.**
356 of 2019, registered for the offence punishable under Section
30, 30(a) of the Bihar Prohibition and Excise Act, 2018.

362.88 litres of liquor is said to have been recovered
from Innova car. Co-accused Indal Kumar was apprehended on
the spot who disclosed the name of this petitioner as one of the
persons, who fled away from the place of occurrence.

It is submitted by learned counsel appearing on behalf
of petitioner that petitioner is innocent and has falsely been



implicated in this case. Name of this petitioner has come in this case, on the basis of confessional statement of co-accused Indal Kumar. Nothing has been recovered from possession of this petitioner. The petitioner has no concern with the seized liquor. Provision of section 100 Cr.P.C has not been followed. Moreover, co-accused Indal Kumar has been granted bail by a coordinate Bench of this court vide order dated 14.10.2019 passed in Cr. Misc. No. 63169 of 2019. Petitioner is in custody since 22.02.2020.

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 2nd-cum-Special Judge Excise Act, Gopalganj** in connection with **Gopalganj Town P.S. Case No. 356 of 2019**, subject to the following 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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