

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21869 of 2020

Arising Out of PS. Case No.-44 Year-2020 Thana- BARGAINIA District- Sitamarhi

VIJAY MAHTO S/o Dahaur Mahto Resident of Village- Sita Kunj Dham
Punaura (Punaura Pashchimi Ward No. 5), P.S.- Punaura, District- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Uday Kumar, Advocate

For the Opposite Party/s : Mr.Ramsevak Choudhary, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 09-07-2020 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 learned
A.P.P for the State.

The petitioner seeks bail in **Bairgania P.S. Case No.**
44 of 2020, registered for the offence punishable under Sections
30(a) of the Bihar Prohibition and Excise Act, 2016.

172.2 litres of Nepali liquor is alleged to have been
recovered from a tempo.

It is submitted by learned counsel appearing on behalf
of petitioner that petitioner has falsely been implicated in this
case. Petitioner was simply a passenger of that tempo. Nothing
has been recovered from conscious possession of this petitioner.
Petitioner has no concern with the seized liquor. Petitioner is



neither the owner nor the driver of the said tempo. Charge sheet has already been submitted. Petitioner is in custody since 28.02.2020 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 District and Sessions Judge 2nd-cum-Special Judge Excise Act, Sitamarhi** in connection with **Bairgania P.S. Case No. 44 of 2020**, 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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