

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23251 of 2020**

Arising Out of PS. Case No.-223 Year-2020 Thana- MUZAFFARPUR TOWN District-
Muzaffarpur

MANISH KUMAR MAHTO @ LAKHAN Son of Uday Shankar Mahto
Resident of Mohalla - Gola Road, Pankaj Market, P.S.- Town, District -
Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Hari Kishore Thakur, Advocate
For the Opposite Party/s : Mr.Pramod Kumar Pandey, APP

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

2 11-09-2020 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 Town P.S. Case No. 223 of

2020, registered for the offence punishable punishable under

Section 30(a)/41(i) of the Bihar Prohibition and Excise Act,

2016.

438.225 litres of foreign liquor is said to have been

recovered from a Scorpio vehicle without having number.

It is submitted that petitioner has falsely been

implicated in this case. Nothing has been recovered from

conscious possession of this petitioner. The provision of section



100 Cr.P.C has not been followed. Petitioner is neither the owner nor the driver of vehicle in question. Petitioner is in custody since 15.05.2020 having clean antecedent.

Considering the facts and circumstances of the case, 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 Special Judge, Excise Act, Muzaffarpur in connection with Town P.S. Case No. 223 of 2020, subject to 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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