

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23144 of 2020

Arising Out of PS. Case No.-132 Year-2019 Thana- KANHAULI District- Sitamarhi

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RAJ NARAYAN MAHTO @ BELATHI S/o Krit Mahto @ Ramkrut Mahto
Resident of Village- Matiyarkala, P.S.- Sahiyara, Distt- Sitamarhi.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Anil Kumar

For the Opposite Party/s : Mr.Madan Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 07-09-2020 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 Kanhauli P.S. Case No.
132 of 2019, registered for the offence punishable under
Sections 414 of the Indian Penal Code and section 30(a) of the
Bihar Prohibition and Excise Act, 2018.

753 litres of Nepali Saufi wine is alleged to have been
recovered from a Tata Sumo vehicle and one person namely,
Pankaj Kumar was apprehended on the spot who was driving
the said vehicle. Co-accused Pankaj Kumar named this
petitioner as the person who managed to flee away.

It is submitted on behalf of petitioner that petitioner



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 Pankaj Kumar. Petitioner was not apprehended on the spot. Nothing has been recovered from possession of this petitioner. Petitioner is in custody since 13.03.2020.

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 2nd Additional District and Sessions Judge-cum-Special Judge, Excise Act, Sitamarhi in connection with Kanhauli P.S. Case No. 132 of 2019, 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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