

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.24803 of 2021**

Arising Out of PS. Case No.-252 Year-2020 Thana- KHODAWANDPUR District- Begusarai

SUNIL @ MUNNA MAHTO S/o- Bhikhari Mahto R/o- Laddhaur, Ward No.-  
04, P.S.- Balrampur, Distt- Katihar, at present R/o- Bhusmuni, P.S.- Dalkola,  
Distt- Uttar Dinajpur (W.B.)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Sanjeev Kumar Singh

For the Opposite Party/s : Mr.Kanhaiya Kishore, APP

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

2      20-07-2021                      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 Khodawandpur P.S. Case  
No. 252 of 2020, registered for the offence punishable  
punishable under Sections 120(B), 414, 465 and 477 and  
sections 30(a), 41(a) of the Bihar Prohibition and Excise Act,  
2016.

1298.82 litres of foreign liquor has been recovered  
from Tata 407 vehicle and this petitioner being driver was  
apprehended on the spot.



It is submitted that no recovery has been made from conscious possession of this petitioner. Petitioner was simply driving the vehicle and was not aware about the nature of consignment and he has got no concern with the seized liquor. Petitioner is in custody since 09.12.2020 having no criminal antecedent, as stated in para 3 of the petition.

Considering the period of custody and the fact that petitioner bears clean antecedent, 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 & Sessions Judge II-cum-Special Judge Excise Act, Begusarai in connection with Khodawandpur P.S. Case No. 252 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)**

vinita/-

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