

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25846 of 2021

Arising Out of PS. Case No.-117 Year-2020 Thana- SAHARGHAT District- Madhubani

MITHILESH KUMAR MAHTO SON OF DHURUV MAHTO R/O
VILLAGE- ALINAGAR WARD NO. 01, P.S.- UNIVERSITY, DISTRICT-
DARBHANGA

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pramod Kumar Prasad Singh, Adv.

For the Opposite Party/s : Mr. Md. Anbzarul Haque Sahara, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 22-11-2021 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail in connection with
Saharghat P.S. Case No. 117 of 2020 registered for the
offences under Sections 272 and 273 of the Indian Penal
Code and Section 30(a) of the Bihar Prohibition & Excise Act,
2016.

Recovery is of 160.5 liters of illegal wine.

Learned counsel appearing for the petitioner
submits that the petitioner, who is of clean antecedent, is
innocent and has not committed any offence. In fact, nothing
has been recovered from the conscious possession of the
petitioner. As a matter of fact, the petitioner happens to be



driver of the vehicle in question and he has no concern with the alleged recovery. The petitioner is rotting in judicial custody since 09.10.2020.

Learned A.P.P. has opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, let the, above named, petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-II -cum- Special Judge, Excise Act, Madhubani in connection with Saharghat P.S. Case No. 117 of 2020 with the following conditions:

(1) 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 on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled by the Court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

And, further condition that the court below shall



verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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