

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19033 of 2020

Arising Out of PS Case No.-658 Year-2019 Thana- KHAJANCHI HAT District- Purnia

Amit Kumar Mahto, Male, aged about 19 years, Son of Guneshwar Mahto,
Resident of Bhoga Kariyat Belwa, Kamat, PS- Sadar Mufassil, District-
Purnea.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Md. Fazle Karim, Advocate
For the State	:	Ms. Sucheta Yadav, APP

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH

ORAL JUDGMENT

Date : 24-02-2021

Heard Mr. Md. Fazle Karim, learned counsel for the petitioner and Ms. Sucheta Yadav, learned Additional Public Prosecutor (hereinafter referred to as the 'APP') for the State.

2. The petitioner is in custody in connection with K Hat (Sahayak) PS Case No. 658 of 2019 dated 06.09.2019, instituted under Sections 272, 273 and 420 of the Indian Penal Code and 30(a) of the Bihar Prohibition and Excise Act, 2016.

3. This is the second attempt of bail by the petitioner as earlier such prayer was rejected by order dated 26.11.2019 passed in Cr. Misc. No. 75289 of 2019.

4. The allegation against the petitioner is that he was named by six persons who were caught by the police along with



1615.56 litres of foreign liquor, as being one of the persons involved in such trade.

5. Learned counsel for the petitioner submitted that the petitioner was not caught and due to *mala fide* reasons, he has been named. It was further submitted that there has been no recovery from him and he is in custody since 21.09.2019. Learned counsel submitted that similarly situated co-accused Ms. Radha Devi has been granted bail by order dated 17.10.2019 in Cr. Misc. No. 65943 of 2019; Mukesh Sah and Ranu Kumar by order dated 04.11.2019 passed in Cr. Misc. No. 65312 of 2019; Azad Kumar, by order dated 05.11.2019 passed in Cr. Misc. No. 65409 of 2019 and also Tabrez Alam @ Md. Tabrez Alam, by order dated 27.11.2019 passed in Cr. Misc. No. 67397 of 2019.

6. Learned APP submitted that the petitioner has been named by the persons who were caught and also has one criminal antecedent of similar nature.

7. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail upon furnishing bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-II-cum Special Judge (Excise), Purnea in K Hat (Sahayak)



PS Case No. 658 of 2019 subject to the conditions (i) that one of the bailors shall be a close relative of the petitioner, (ii) that the petitioner and the bailors shall execute bond with regard to good behaviour of the petitioner, and (iii) that the petitioner shall also give an undertaking to the Court that he shall not indulge in any illegal/criminal activity, act in violation of any law/statutory provisions, tamper with the evidence or influence the witnesses. Any violation of the terms and conditions of the bonds or the undertaking shall lead to cancellation of his bail bonds. The petitioner shall cooperate in the case and be present before the Court on each and every date. Failure to cooperate or being absent on two consecutive dates, without sufficient cause, shall also lead to cancellation of his bail bonds.

8. The application stands disposed off in the aforementioned terms.

(Ahsanuddin Amanullah, J.)

P. Kumar

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