

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28567 of 2021

Arising Out of PS. Case No.-482 Year-2018 Thana- BIHTA District- Patna

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MUKESH MAHTO Son of Vijay Mahto Resident of Village - Pathlautiya,
Police Station - Bihta, District - Patna.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Gajendra Kumar Singh, Adv
		Mr. Manish Kumar No.2, Adv
For the Opposite Party/s :		Mr. Asha Devi, APP

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 10-12-2021 Heard the parties through video conferencing.

Heard learned counsel appearing on behalf of the
petitioner and learned APP appearing on behalf of the State.

Let the defect(s) be removed within two weeks of the
complete start of the physical Court in normal course.

Petitioner who is in custody since 28.01.2021 seeks
regular bail in connection with Special Case No. 4360 of 2018
arising out of Bihta P.S. Case No. 482 of 2018 registered for
offences punishable under Section 30(a) of the Bihar Prohibition
and Excise Act, 2016.

Prosecution case in brief is that altogether 600 litres of
country-made liquor has been recovered on raid. One co-accused
Sudama Paswan was apprehended who disclosed the name of
about altogether 15 persons including the petitioner.



Learned counsel appearing on behalf of the petitioner submits that petitioner has clean criminal antecedent and nothing has been recovered from the conscious possession of the petitioner and nor he was at the place of raid from where the alleged liquor was recovered. He further submits that petitioner has been roped in the present case due to enmity and for no fault he is in custody since 28.01.2021.

Learned A.P.P. appearing on behalf of the State submits that considering the huge quantity of liquor recovered, the complicity of the petitioner in an organised trade of prohibited item cannot be ruled out and hence the petitioner does not deserve to be released on bail.

Considering the facts and circumstances of the case, learned Court below is directed to verify as to whether any other criminal case is pending against the petitioner and if there is no other criminal case is pending against the petitioner, the petitioner is directed to be released on bail upon furnishing bail bond of Rs. 1,00,000/- (Rupees One Lac) with two sureties of the like amount each to the satisfaction of learned Special Judge -Excise, Patna in connection with Special Case No. 4360 of 2018 arising out of Bihta P.S. Case No. 482 of 2018 subject to the following conditions:

(i) Bailors should be local having sufficient immovable



property within the jurisdiction of the Court concerned.

(ii) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

(iii) If the petitioner tempers 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.

(iv) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel their bail bond.

(Purnendu Singh, J)

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