

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34014 of 2021

Arising Out of PS. Case No.-41 Year-2021 Thana- GOVERNMENT OFFICIAL COMP.
District- Samastipur

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ASHOK MAHTO S/O LATE NARAYAN MAHTO R/O VILLAGE-
MANIYARPUR, WARD NO.06, P.S.-WARISNAGAR, DISTRICT-
SAMASTIPUR.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

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Appearance :

For the Petitioner/s : Ms.Aprajita, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 30-11-2021 Supplementary affidavit has been filed on behalf of

the petitioner to rectify some typographical errors, crept in the

main bail petitions.

Heard learned counsel for the petitioner and learned

Additional Public Prosecutor for the State.

Let the defects, as pointed out by the office, be

removed within four weeks of start of normal functioning of the

physical court.

Petitioner seeks bail in connection with Excise Case

No. 41 of 2021 registered for the offences punishable under

Section 30(a) of Bihar Prohibition and Excise Act, 2016.

According to prosecution case, having got secret

information the informant along with other police officials



raided the house of the petitioner and 53.28 litres of liquor was recovered.

Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. Learned counsel further submits that entire prosecution story is false and concocted. No incriminating article has been recovered from conscious possession of the petitioner rather the said recovery has been made from an open place which is accessible to anyone. Petitioner is in custody since 02.02.2021.

The learned Additional Public Prosecutor opposed the prayer of bail.

Considering the aforesaid facts and circumstances as well as period of custody, let the petitioner, above named, 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 the learned Additional Sessions Judge-2nd cum Special Judge (Excise), Samastipur in connection with Excise Case No. 41 of 2021, subject to 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 absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled 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.

3. 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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