

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31270 of 2021

Arising Out of PS. Case No.-35 Year-2021 Thana- KUCHAIKOTE District- Gopalganj

MANOHAR MAHTO @ MUNNA Son of Late Bhala Mahto Resident of
Village - Basghata, P.S.- Katra, District - Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Shivam
		Mrs.Vaishnavi Singh
For the Opposite Party/s :		Mrs.Veena Rani Prasad

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 13-08-2021 Heard learned counsel for the petitioner and learned
A.P.P. for the State through virtual court proceedings.

Learned counsel for the petitioner undertakes to remove the defects, as pointed out by the office, within four weeks of resumption of normal court proceeding. In the eventuality of non-removal of defects within undertaken period, the office will place the matter before the Bench.

The petitioner seeks bail in connection with Kuchaikota P.S. Case No.35 of 2021, registered for the offence punishable under Sections 120(B), 420 of the IPC and sections 30(a), 36, 41(1) of the Bihar Prohibition and Excise (Amendment) Act.

Altogether 483.780 liters of foreign liquor has been recovered from the ambulance. Two persons namely Sandip and



Sanjay were apprehended at the spot and disclosed the name of petitioner and others as their associates.

Learned counsel for the petitioner submits that petitioner is quite innocent and has not committed any offence as alleged in the FIR. No such occurrence has ever taken place. He has been falsely implicated in the present case. From the F.I.R. itself, it is evident that he was not present at the place of occurrence. Neither the petitioner has been apprehended on the spot nor any incriminating article has been recovered from his conscious physical possession. He has no concern either with the seized liquor or the place of recovery or any trade of liquor. There is no material evidence against the petitioner but his name transpired in the case on the confessional statement of apprehended accused, from whom the petitioner has no concern. Petitioner has one criminal antecedent of similar nature of offence, as mentioned in para-3 of the bail application and has been languishing in custody since 02.02.2021.

Petitioner is agreed to deposit a sum of Rs. 20000.00/- (Rupees Twenty Thousand) in the PM Cares fund, bearing Account No.2121PM20202, IFSC Code: SBIN 0000691, SWIFT Code: SBININBB104, State Bank of India, New Delhi Main Branch, UPI ID : pmcares@sbi.



Having regard to the facts and circumstances of case, let the above named petitioner, be released on bail, on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned court below, where the case is pending, in connection with Kuchaikota P.S. Case No.35 of 2021, with the following conditions:-

(1) One of the bailors will be own close relative of the petitioner who will give on affidavit genealogy as to how he is relative to petitioner. The bailor will also undertake to inform the court if there is any change in the address of the petitioner.

(2) The petitioner shall not indulge himself in any similar offence till conclusion of the trial, failing which, his bail bonds shall be liable to be cancelled by the learned court concerned.

The bail bond of the petitioner shall be accepted by the learned Court below on showing receipt of deposit of Rs.20,000.00/- (Rupees Twenty Thousand) in the PM Cares fund.

(Anjani Kumar Sharan, J)

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