

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35050 of 2021

Arising Out of PS. Case No.-725 Year-2020 Thana- SITAMARHI District- Sitamarhi

NAGENDRA MAHTO S/o Late Ram Narayan Mahto R/o Village- Birrakh,
Ward No. 7, P.O.- Baghari, P.S.- Sursand, District- Sitamarhi- 843331.

... .. Petitioner/s

Versus

The State of Bihar

... Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Amit Narayan, Advocate

For the Opposite Party/s : Mr.A.G

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 10-09-2021 Heard learned counsel for the petitioner and the State.

Petitioner seeks regular bail in a case registered for the offence punishable under Section 420 and other allied sections of the Indian Penal Code and section 30a and other sections of the Bihar Prohibition and Excise Act.

As per the prosecution case, 206.280 liters of wine was recovered from five motorcycles and two cars. Petitioner has been named by the co-accused who was apprehended on the spot.

Learned counsel appearing for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. No incriminating material has been recovered from the conscious possession of the petitioner and he is no way concerned with the alleged recovery. Petitioner is in custody since 11.2.2021. Investigation is complete. Investigation is complete. Several similarly situated co-accused have already been allowed bail by this Court vide order passed in Cr.Misc.No. 24326/2021 and 32740/2021.



Learned counsel appearing for the State opposes the prayer for bail.

Considering the rival submissions of the parties, materials available on the record and the period of custody of the petitioner, 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 Additional Sessions Judge II cum Special Judge, Excise Act Sitamarhi in Sitamarhi Police Station Case No. 725 of 2020, GR No. 1313 of 2020 on 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 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.

(Prabhat Kumar Singh, J)

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