

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38460 of 2021**

Arising Out of PS. Case No.-432 Year-2018 Thana- LALGANJ District- Vaishali

BAIDHYANATH MAHTO @ BAIJNATH MAHTO S/O SHRI SHAMBHU
MAHTO @ SHAMBHUNATH MAHTO R/O VILLAGE-PAKARI KANTH,
P.S- LALGANJ, DISTRICT-VAISHALI

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Manish Chandra Gandhi, Advocate
For the Opposite Party/s : Mr.Bishweshwar Ram, APP

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

2 09-12-2021 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 Lalganj P.S. Case No. 432 of 2018 registered for the offences punishable under Sections 30(a), 32(2) and 41(1) of the Bihar Prohibition and Excise Act, 2016.

According to prosecution case, total 4502.6 litres of IMFL was recovered from Mahindra 207 and Tata Tiago Car.

Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence and he has falsely been implicated in the present case. No incriminating



article has been recovered from conscious possession of the petitioner. Learned counsel further submits that in fact petitioner is named in the FIR but it appears from Annexure-2 that at the time of occurrence petitioner was in Patna. It is further submitted that petitioner is neither owner of the vehicles bearing Reg. No. BR06T-7062 and BR31AD-3100 seized in this case nor he had hired the said vehicles. It is further submitted that co-accused Vinod Ram has been granted bail by a co-ordinate Bench of this court vide order dated 18.02.2019 passed in Cr. Misc. No. 7587 of 2019. Petitioner is in custody since 03.04.2021.

The learned Additional Public Prosecutor opposed the prayer of bail submitting that petitioner carries four criminal antecedent.

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-II cum Excise Court, Vaishali at Hajipur in connection with Lalganj P.S. Case No. 432 of 2018, 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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