

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45439 of 2021

Arising Out of PS. Case No.-45 Year-2020 Thana- ATHMALGOLA District- Patna

SHATRUDHAN MAHTO @ SHATUDHAN KUMAR SON OF
YOGESHWAR MAHTO @ YUGI MAHTO Resident of village - Teus, P.S.-
Jayrampur, Distt.- Shekhpura.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Pramod Kumar Singh, Advocate

For the Opposite Party/s : Ms.Sharda Kumari, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 10-12-2021 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State through virtual mode.

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 Athmalgola
P.S. Case No. 45 of 2020 registered for the offences punishable
under Sections 30(a) of Bihar Prohibition and Excise Act, 2016.

There is recovery of 4442 litres of IMFL from a truck.

Learned counsel for the petitioner submits that
petitioner has clean antecedent and has committed no offence
and he has falsely been implicated in the present case.
Petitioner is not named in the FIR. During course of



investigation, co-accused Avinash Kumar disclosed the name of the petitioner. No incriminating article has been recovered from conscious possession of the petitioner. It is further submitted that co-accused Awanish Kumar @ Avinash Kumar has been granted bail by a co-ordinate Bench of this court vide order dated 16.11.2021 passed in Cr. Misc. No. 22443 of 2021. Petitioner is in custody since 04.04.2021.

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 Special Judge, Excise Act, Patna in connection with Athmalogola P.S. Case No. 45 of 2020, 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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