

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49063 of 2021

Arising Out of PS. Case No.-114 Year-2021 Thana- NAYAGAON District- Saran

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CHHOTE LAL MAHTO @ CHHOTELAL @ CHHOTAI MAHTO S/O
RAJBALLAV MAHTO R/o village- Sobhepur, P.S.- Naya Gaon, District-
Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Dr. Rajesh Kumar Singh

For the Opposite Party/s : Mr. Bhanu Pratap Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 17-12-2021 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 Nayagaon P.S.
Case No. 114 of 2021, registered for the offences punishable
under Sections 30(a)/37 of Bihar Prohibition and Excise Act,
2016.

According to prosecution case, 50 litres of country-
made illicit liquor has been recovered from possession of the
petitioner.

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. He further submits that nothing has been recovered from the conscious possession of the petitioner. He further submits that 50 litres of illicit country-made liquor was found in a bag, which according to the petitioner, does not belong to him. Petitioner is in custody since 27.04.2021.

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

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 2nd Additional Sessions Judge-cum-Special Judge, Excise, Saran at Chapra in connection with Nayagaon P.S. Case No. 114 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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