

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49597 of 2021

Arising Out of PS. Case No.-288 Year-2020 Thana- BARAULI District- Gopalganj

UPENDRA MAHTO Son of Late Parma Mahto @ Barmha Mahto Resident
of Village - Rupanchap, P.S.- Barauli, District - Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Prateek Tandon, Advocate

For the Opposite Party/s : Mr.APP

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 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 Barauli P.S. Case No. 288 of 2020 registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Amendment Act, 2018.

There is recovery of 555 litres of illicit liquor.

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 only on the basis of suspicion. Learned counsel further submits that it appears from



the FIR itself that the recovery has been made from the road. No incriminating article has been recovered from conscious possession of the petitioner. It is further submitted that name of the petitioner has been dragged in this case on the basis of disclosure made by the villagers. Petitioner is in custody since 26.02.2021.

The learned Additional Public Prosecutor opposed the prayer of bail submitting that petitioner carries three 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 2nd Additional Sessions Judge cum Special Judge, Excise, Gopalganj in connection with Barauli P.S. Case No. 288 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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