

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No 5729 of 2021**

Arising Out of PS. Case No.-222 Year-2020 Thana- MOHAMMADPUR District- Gopalganj

PANKAJ MAHTO SON OF DASHRATH MAHTO R/O VILLAGE-  
KHAJUHATTI DAYA GIRI KE TOLA, P.S.- BAIKUNTHPUR, DISTRICT-  
GOPALGANJ.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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| For the Petitioner/s :     | Mr Subhash Kumar, Advocate |
| For the Opposite Party/s : | Ms Pushpa Sinha, APP       |

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**CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD**  
**ORAL ORDER**

**3      26-03-2021**                      Heard learned counsel for the petitioner and the  
learned APP for the State.

The petitioner seeks bail in Mohammadpur Police Station (for brevity, *PS*) Case No 222 of 2020 instituted for the offence punishable under Section 30 (a) of Bihar Prohibition and Excise Act, 2016.

On identification of the local *Chowkidar*, the petitioner has been apprehended in this case as being one of those who fled away from the vehicle on which 2200 liters of illicit liquor has allegedly been recovered.

It is submitted that even as per prosecution case, the petitioner has not been arrested at the place and time of recovery. He has no criminal antecedent and other than statement of *Chowkidar*, which is without any basis and based on extraneous considerations, there is no legal basis for petitioner's implication. The petitioner is in custody since 14.10.2020.



Learned APP has opposed the prayer for bail.

Considering the rival submissions, prayer for bail is allowed. Let the petitioner, above named, be released on bail on his furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Additional Sessions Judge II, Gopalganj in Mohammadpur PS Case No 222 of 2020 subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

Learned counsel for the petitioner is expected to honour his undertaking given in the instant proceedings today for depositing requisite Court fee and removing the defect (s), as pointed out, when called upon to do so.

**(Madhuresh Prasad, J)**

**M.E.H./-**

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