

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7531 of 2021

Arising Out of PS. Case No.-73 Year-2020 Thana- PIPRA District- Patna

GORAKH MAHTO Son of Ram Bhawan Mahto Resident of Mohalla-
Tamtam Padab, Noniya Tola, Ward No. 4, P.S.- Phulwarisharif, District- Patna
(Bihar).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Indeshwari Prasad Mandal, Adv.

For the Opposite Party/s : Mr.Nawal Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 02-06-2021 Heard learned counsel for the petitioner and learned
A.P.P. for the State through virtual court proceedings.

Learned counsel for the petitioner undertakes to
remove the defects, as pointed out by the office, within four
weeks of resumption of normal court proceeding. In the
eventuality of non-removal of defects within undertaken period,
the office will place the matter before the Bench.

The petitioner seeks bail in connection with Special
Case No.6202 of 2020 arising out of Pipra P.S. Case No.73 of
2020 registered for the offence punishable under Section 30(a)
of the Bihar Prohibition and Amendment Excise Act-2018.

450 litres of country made Mahua liquor is said to
have been recovered from one Piazo goods carrier. Petitioner



was driving the said vehicle.

It is submitted by learned counsel for the petitioner that no incriminating article has been recovered from the conscious physical possession of the petitioner. He has no concern either with the seized liquor or place of recovery or any trade of liquor. He was driver of the said vehicle only and he has no knowledge about the stuffs being loaded on the vehicle. He has been falsely implicated in this case by the police. Petitioner has no criminal antecedent and has been languishing in custody since 15.10.2020.

Petitioner is agreed to deposit a sum of Rs. 10,000.00 (Rupees Ten Thousand) in the PM Cares fund, bearing Account No.2121PM20202, IFSC Code: SBIN 0000691, SWIFT Code: SBININBB104, State Bank of India, New Delhi Main Branch, UPI ID : pmcares@sbi.

Having regard to the facts and circumstances of case, let the above named petitioner, be released on bail, on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise, Patna in connection with Special Case No.6202 of 2020 arising out of Pipra P.S. Case No.73 of 2020, subject to the following



conditions:

(1) One of the bailors will be his own blood relative, preferably, father, mother, brother, sister and/or his wife.

(2) The petitioner shall not indulge himself in any similar offence till conclusion of the trial, failing which, his bail bonds shall be liable to be cancelled by the learned court concerned.

(3) The petitioner shall remain physically present in the court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reasons, his bail bonds shall be liable to be cancelled by the learned court concerned.

The bail bond of the petitioner shall be accepted by the learned Court below on showing receipt of deposit of Rs.10,000.00 (Rupees Ten Thousand) in the PM Cares fund.

(Anjani Kumar Sharan, J)

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