

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10465 of 2022**

Arising Out of PS. Case No.-186 Year-2021 Thana- PATNA RAIL P.S. District- Patna

PRAMOD KUMAR @ PRAMOD MAHTO @ PRAMA S/o Buchay Mahto
R/o village- Jamunichak, P.S.- Barh, District- Patna (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Awadhesh Kumar, Adv.

For the Opposite Party/s : Mr. Upendra Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

2 11-03-2022 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail in connection with Rail
Patna Case No. 186 of 2021/ Special Case No. 4021 of 2021
registered for the offence under Sections 273 of the Indian
Penal Code and Section 30(a) of the Bihar Prohibition and
Excise Act.

Recovery is of 250.140 liters of foreign liquor.

Learned counsel appearing for the petitioner
submits that the petitioner is innocent and has falsely been
implicated in this case. In fact, nothing has been recovered
from the conscious possession of the petitioner rather the
alleged recovery has been made from the co-accused



persons. The petitioner has no concern with the alleged recovery. He further submits that the police has submitted charge-sheet in this case against the petitioner. Moreover, the co-accused, namely, Rudal Kumar @ Kumar Rudal Raj and Om Prakash @ Tinku, have already been granted bail by this Court vide order dated 20.12.2021 and 22.01.2022 passed in Cr. Misc. No. 49669 of 2021 and Cr. Misc. No. 54728 of 2021 respectively. The petitioner is rotting in judicial custody since 20.12.2021.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner and submits that the petitioner carries four more cases other than the present one.

Considering the facts and circumstances of the case, let the, above named, petitioner 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 learned Special Judge, Excise, Patna in connection with Rail Patna P.S. Case No. 186 of 2021/ Special Excise Case No. 4021 of 2021 with 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/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled 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.

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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