

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13308 of 2022

Arising Out of PS. Case No.-568 Year-2021 Thana- SAHEBGANJ District- Muzaffarpur

Kapil Mahto @ Ram Pravesh Mahto, S/O Jaymangal Mahto, R/o village-
Shahpur Patti, P.S.- Sahebganj, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manoj Kumar, Advocate

For the Opposite Party/s : Mr. Syed Ehteshamuddin, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 06-07-2022 Learned counsel for the petitioner is permitted to remove the defect(s), as pointed out by the office, within a period of four weeks from today.

Heard Mr. Manoj Kumar, learned counsel for the petitioner and learned APP for the State.

The petitioner seeks regular bail, who is in custody in connection with Sahebganj P.S. Case No. 568 of 2021 registered for the offences punishable under Sections 272, 273/34 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2016.

As per prosecution case, it is alleged that the police on a secret information apprehended this petitioner and on search being made 30 litres of country made Chulai liquor was recovered from his possession.



It is submitted by the learned counsel appearing on behalf of the petitioner that in fact nothing has been recovered from the person or possession of this petitioner, rather only on account of the fact that some altercation had taken place with the police personnel, the name of the petitioner has been implicated in the present case and moreover the recovery has been made from an abandoned place, which does not belong to the petitioner. It is further submitted that the petitioner is in custody since 24.12.2021 having fair antecedent and the investigation of the crime has already been concluded and the charge-sheet has been submitted.

On the other hand, learned APP for the State opposes the bail application and submits that recovery has been made from the conscious possession of this petitioner.

Having considered the submissions made on behalf of the parties and taking into consideration the period of custody, apart from the fact that the petitioner has got fair antecedent and there are other irregularities in preparation of seizure-list, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.25,000/- (Rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise Act, Muzaffarpur in connection with



Sahebganj P.S. Case No. 568 of 2021, subject to the condition that one of the bailors will be the local residents with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(Harish Kumar, J)

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