

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17368 of 2022

Arising Out of PS. Case No.-5 Year-2022 Thana- KIUL RAIL P.S. District- Lakhisarai

SANJIT MAHTO @ SANJIV MAHTO Son of Shankar Mahto Resident of
Village - Shamho Bijulia, Ward No.- 13, P.S.- Shamho in the district of
Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Md. Shakir Ahmad, APP.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 20-07-2022 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail in connection with Rail
Kiul P.S. Case No. 05 of 2022 registered for the offence under
Section 30(a) of the Bihar Prohibition and Excise Act, 2018.

Recovery is of 34.500 liters of illegal foreign liquor
and one mobile phone.

Learned counsel appearing for the petitioner
submits that the petitioner, who is of clean antecedent, is
innocent and has falsely been implicated in this case. He
further submits that it appears from the FIR as well as the
seizure list that nothing has been recovered from the
conscious possession of the petitioner rather the alleged



recovery has been made from the plastic bag near booking counter of Lakhisarai Kiul Railway Station and the petitioner has no concern at all with the alleged recovery. He further submits that police, after investigation, submitted charge-sheet against the petitioner. The petitioner is rotting in judicial custody since 26.01.2022.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner.

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 Court below where the case is pending in connection with Rail Kiul P.S. Case No. 05 of 2022 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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