

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19131 of 2022

Arising Out of PS. Case No.-431 Year-2021 Thana- LALGANJ District- Vaishali

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Raju Mahto, Son Of Late Hari Shankar Mahto, R/O Village- Patwa Toli, P.S.-
Lalganj, District- Vaishali

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mrs. Bela Singh, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 15-07-2022 Heard learned counsel for the petitioner and learned
APP for the State through video conferencing.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in connection with Lalganj P.S. Case No. 431 of 2021 registered for the alleged offences under Section 414 of Indian Penal Code and section 30(a) of Bihar Prohibition & Excise Act.

The prosecution case is that on seeing the police party, the petitioner and other co-accused persons started running away and the petitioner left behind his motorcycle. Though the police party tried to chase them, but they all ran away from the spot. They were identified by the local



Chawkidar. About 75.42 liters of India made foreign liquor of different brands was recovered from that place and a motorcycle was also seized.

The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The petitioner was not apprehended from the spot and nothing incriminating has been recovered from his possession. The petitioner has no concern with the allegedly seized liquor or the other co-accused persons or the seized motorcycle. Charge-sheet has been submitted in this case and the petitioner is in custody since 06.01.2022 and is having one criminal antecedent.

Learned APP opposes the prayer for bail.

Having regard to the submissions made hereinabove and considering the fact that the petitioner was not apprehended from the spot and no recovery has been shown to be made from him and further considering the fact about submission of charge-sheet and period of custody of the petitioner, he is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of the Exclusive Special Excise Court No. 1 -cum- Additional District & Sessions Judge, Vaishali at Hajipur in connection with Lalganj P.S. Case No. 431 of 2021, subject to



the following conditions :

(i) The bail bond of the petitioner will be accepted only after framing of charge, if not already framed.

(ii) One bailor will be the deponent, who has sworn the affidavit, and another bailor will be a close relative of the petitioner.

(iii) The petitioner will remain present on each and every date fixed by the court below.

(iv) In case of absence for three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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