

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20769 of 2022

Arising Out of PS. Case No.-46 Year-2021 Thana- NTPC District- Bhagalpur

INDRADEV MAHTO, S/o Late Paro Mahto R/o village- Maheshmunda,
Bind Toli, P.S.- Kahalgaon, District- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjan Kumar Jha

For the Opposite Party/s : Mr. Anand Kishore Choudhary

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 25-07-2022 Heard learned counsel for the petitioner and

learned APP for the State.

The petitioner seeks bail in connection with NTPC
P.S. Case No. 46 of 2021, dated 24.09.2021, registered for
the offences punishable under Sections 188/290 of the
I.P.C. and Section 30 (a) of Bihar Prohibition & Excise Act,
2016.

As per allegation, on patrolling, when the police
party reached at Gate No. 3 of NTPC and started checking
the vehicles, 9 litres country made liquor was recovered in a
jute bag from a motorcycle bearing Engine No.
DUMCNG13871 and Chesis No. MDZDDDZZZNWG13619.



The learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. He submits that search and seizure has not been made as per rule as provided by Cr.P.C. and nothing has been recovered from the conscious possession of the petitioner. He also submits that there is no independent eye witness to the alleged occurrence, nor the seized motorcycle belongs to the petitioner.

The petitioner is languishing in jail since 25.09.2021.

It is also stated in paragraph no. 2 of the petition that the petitioner has never moved before this Court for grant of anticipatory bail or regular bail.

It has further been stated in paragraph no. 3 that earlier the petitioner has been made accused in three more cases, namely, Kahalgaon P.S. Case No. 776 of 2020, Kahalgaon P.S. Case No. 364 of 2010 and N.T.P.C. P.S. Case No. 17 of 2014.

However, the learned APP for the State opposes the prayer for bail.



Considering the facts and circumstances, the petitioner, above-named, is directed to be released on bail on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Sri Sharad Chandra Srivastava, Special Judge Exclusive Excise Court No. 2, Bhagalpur in connection with N.T.P.C. P.S. Case No. 46 of 2021 on the following conditions:

(i) The petitioner will make himself available for interrogation by a police officer/court as and when required.

(ii) The petitioner will undertake that investigation/trial will not hamper on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The petitioner shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court



below that the petitioner has criminal antecedent other than the disclosed one, the learned court below shall cancel the bail bond of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedent despite his knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, the learned court below shall cancel the bail bond of the petitioner.

The application stands allowed accordingly.

The learned counsel for the petitioner is directed to remove all the defects pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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