

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23573 of 2022

Arising Out of PS. Case No.-179 Year-2021 Thana- PARIHAR District- Sitamarhi

RAM ISHWAR MAHTO S/o Sri Srichan Mahto Resident of Village- Parihar,
P.S.- Parihar, District- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Devendra Kumar

For the Opposite Party/s : Mr.A.G.

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 29-07-2022 Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

Heard learned counsel for the petitioner and
learned A.P.P. for the State in virtual court proceeding.

The petitioner seeks bail in connection with Parihar
P.S. Case No. 179 of 2021 registered for the offences punishable
under Sections 30(a) of the Bihar Prohibition and Excise Act.

As per prosecution case, there is alleged recovery
of 94.8 litres Nepali desi saufi from the place of occurrence and
the petitioner and other co-accused fled away. The local
villagers identified the persons who fled away as Chandan
Shahni (co-accused) and Ram Ishwar Mahto (present
petitioner).

Learned counsel for the petitioner submits that



petitioner is in custody since 31.01.2022 and bears criminal antecedent of two cases of similar nature. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. Learned counsel further submits that nothing was recovered from the conscious possession of the petitioner and he has falsely been implicated in this case.

The learned A.P.P. for the State opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence and also taking into consideration the material available on record, let the petitioner above named be released on bail, **after framing of charge** on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge (ADJ)- II cum Special Judge (Excise), Sitamarhi in connection with Parihar P.S. Case No. 179 of 2021, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.



(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

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