

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23960 of 2022

Arising Out of PS. Case No.-57 Year-2021 Thana- NTPC District- Bhagalpur

Karu Mahto @ Karka Mahto, Son of Late Sandevi Mahto @ Sandev Mahto,
R/o Village- Mahesha Munda, P.S.- Kahalgaon, District- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjan Kumar Jha, Advocate

For the Opposite Party/s : Mrs. Rita Verma, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 22-07-2022 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. Ranjan Kumar Jha, learned counsel appearing on behalf of the petitioner and the learned APP for the State.

The petitioner seeks regular bail, who is in custody in connection with N.T.P.C. P.S. Case No. 57 of 2021 registered for the offences punishable under Sections 188, 290 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

As per prosecution case, it is alleged that the petitioner along with one another co-accused person was apprehended by the police while they were coming from a



motorcycle and on search being made 20 litres of country made liquor was recovered.

It is submitted by the learned counsel appearing on behalf of the petitioner that though the petitioner was arrested at the spot, yet nothing has been recovered from his conscious possession. It is next submitted that while the petitioner was returning along with his friend from a motorcycle, some altercation took place with the police and his name has been implicated in this case. It is next submitted that there are serious infirmities in preparation of the seizure list and moreover the co-accused, namely Puran Kumar Mandal, has already been granted bail by the court below itself. It is also submitted that the petitioner is in custody since 06.11.2021 and the motorcycle does not belong to the petitioner. It is next submitted that investigation of the crime is already submitted and charge-sheet has been submitted.

On the other hand, learned APP for the State opposes the bail application and submits that the petitioner was arrested at the place of occurrence.

Having regard to the submissions made on behalf of the parties and taking into consideration the fact that the petitioner is in custody since 06.11.2021 and the co-accused



person has already been granted bail by the court below itself, apart from the fact that the investigation of the crime is already completed and charge-sheet has been submitted, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Exclusive Excise Court No.2, Bhagalpur in connection with N.T.P.C. P.S. Case No. 57 of 2021 subject to the condition that one of the bailors will be the close relative of the petitioner 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.

(v) 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 immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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