

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24694 of 2022

Arising Out of PS. Case No.-570 Year-2021 Thana- GAURICHAK District- Patna

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KUNAL MAHTO @ KUNAL KUMAR @ KISHORE KUNAL MAHTO
Son of Shiv Kumar Mahto Resident of Village - Bahuara, P.s.- Gaurichak,
Distt.- Patna.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Jay Ram Prasad

For the Opposite Party/s : Mr.Akbar Ali

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 01-08-2022 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.

The petitioner seeks bail in connection with
Special Case No. 8686 of 2021 arising out of Gaurichak P.S.
Case No. 570 of 2021 registered for the offences punishable
under Sections 30(a) of the Bihar Prohibition and Excise
Amendment Act.

As per prosecution case, there is alleged recovery
of 60 litres foreign liquor from the roof of Kunal Mahto.
Petitioner is apprehended on spot with other co-accused,
however, one co-accused succeeded in fleeing away.



Learned counsel for the petitioner submits that petitioner is in custody since 23.12.2021. Petitioner bears no criminal antecedent. Charge sheet has already been submitted in the case and there is no likelihood of tampering with the prosecution evidence. Learned counsel further submits that the petitioner has not concerned with seized illegal liquor and the place of occurrence from where recovery has been made is joint family house of the petitioner. As per seizure list there is no independent witness and both witnesses are police witnesses which shows that the police created story and implicated the petitioner.

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

Considering the facts and circumstances of the case as well as period of custody, charge-sheet has already been submitted and there is no likelihood of tampering with the prosecution evidence, keeping in view clean antecedent of the petitioner and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise, Patna City in



connection with Special Case No. 8686 of 2021 arising out of Gaurichak P.S. Case No. 570 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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