

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25349 of 2022

Arising Out of PS. Case No.-90 Year-2022 Thana- KATRA District- Muzaffarpur

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Ajay Mahto, S/o Late Bindu Mahto, R/o village- Saghari Rampur, P.S.- Aurai,
District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Chandra Shekhar Anand, Advocate

For the Opposite Party/s : Mr. Anil Kumar Singh No. 1, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 28-07-2022 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. Chandra Shekhar Anand, 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 Katra P.S. Case No. 90 of 2022 registered for

the offences punishable under Sections 272, 273, 414 of the

Indian Penal Code and Section 30(a) of the Bihar Prohibition

and Excise Act, 2016.

As per the prosecution case, it is alleged that while the

police was on patrolling duty, they intercepted one motorcycle

being driven by this petitioner and on noticing the police parties,



it is alleged that the petitioner tried to flee away, however, he was later on caught. It is further alleged that on search being made 120 litres of spurious fermented toddy kept in three gallons on the motorcycle was seized.

It is submitted by the learned counsel appearing on behalf of the petitioner that in fact no recovery was made from the conscious possession of the petitioner, however, on account of some altercation, which took place between the petitioner and the police personnel, the recovery has been shown to be made from the motorcycle of the petitioner. It is next submitted that the seized motorcycle is not stolen one, rather the same belongs to the petitioner and in support of his submission he has brought on record the registration certificate of the motorcycle, as Annexure-2 to this application. It is next submitted that the petitioner is in custody since 13.03.2022 having man of clean antecedent.

On the other hand, learned APP for the State opposes the bail application and submits that the recovery has been made from the motorcycle of the petitioner.

Having considered the submissions made on behalf of the parties and considering the period of custody as also the fact that after completion of the investigation, charge-sheet has been



submitted, apart from the fact that the petitioner is in custody since 13.03.2022 having absolutely clean antecedent, 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 Exclusive Special, Excise Court No.-1, Muzaffarpur in connection with Katra P.S. Case No. 90 of 2022, 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.

(Harish Kumar, J)

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