

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27025 of 2022

Arising Out of PS. Case No.-68 Year-2022 Thana- GOPALPUR District- Gopalganj

Chandan Mahto Son Of Banka Mahto @ Banka Prasad R/O- Vill- Ugrasen
Maharani, P.S.- Mohammadpur, Sit- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Lokesh Kumar Singh, Advocate.

For the Opposite Party/s : Mr. Veena Rani Prasad, APP.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 03-08-2022 Learned counsel for the petitioner is permitted to remove defect(s), as pointed out by the office, if any, within a period of four weeks from today.

Heard Mr. Lokesh Kumar Singh, learned counsel for the petitioner as well as learned Additional Public Prosecutor for the State.

The application for grant of bail to the petitioner, above named, who has been made accused and put behind the bar in connection with Gopalpur P. S. Case No. 68 of 2022 registered for the offences punishable under Section 30 (a) of the Bihar Prohibition and Excise (Amendment) Act.

As per the prosecution case, it is alleged that the Police, on a secret information, intercepted the petitioner, who was riding on a motorcycle and on search, altogether 61.200



litres of Indian made foreign liquor was recovered.

Learned counsel appearing on behalf of the petitioner submitted that nothing has been recovered from the possession of this petitioner rather on account of some altercation, which took place with the Police personnel, the name of the petitioner has been implicated and the recovery was shown from the motorcycle, though the motorcycle does not belong to the petitioner. It is further submitted that there is other infirmities in the preparation of the seizure list, apart from the fact that the petitioner is in custody since 12.03.2022 and the investigation of the crime is already completed and the charge sheet has been submitted.

On the other hand, learned APP for the State opposes the bail application and submits that the petitioner is named in three other criminal cases. In response to the aforesaid submission, learned counsel for the petitioner submits that the petitioner is on bail in the three cases.

Having considered the submissions made on behalf of the parties and taking into account the fact that the motorcycle from where recovery has been made, does not belong to the petitioner and moreover, this petitioner is in custody since 12.03.2022 and moreover, the investigation of the



crime is already completed and the charge sheet has been submitted, let the petitioner, above named, 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 Additional Sessions Judge IV-cum-Special Judge Excise, Court-II, Gopalganj in connection with Gopalpur P. S. Case No. 68 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.
- (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 step for cancelling of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Harish Kumar, J)

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