

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30749 of 2022

Arising Out of PS. Case No.-332 Year-2021 Thana- BAKHARI District- Begusarai

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SUNIL SINGH @ SUNIL MAHTO Son of Umesh Mahto Resident of Village
- Ward No.2, Pirnagar, Gamharia, P.s.- Naokothi, Distt.- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pritish Kumar Lal, Advocate.

For the Opposite Party/s : Mr. Nityanand, APP.

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 26-08-2022 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. Pritish Kumar Lal, learned counsel for the petitioner as well as learned Additional Public Prosecutor for the State through video conference.

The application for grant of bail to the petitioner, above named, who has been made accused and put behind the bar in connection with Bakhri P. S. Case No. 332 of 2021 registered for the offences punishable under Sections 120 (B) of the Indian Penal Code and Section 30 (a) of the Bihar Prohibition and Excise Act

As per the prosecution case, it is alleged that the police, on a secret information that a truck loaded with illicit



wine is passing through Jakiyari bridge, intercepted by them and on noticing, the police party one person sitting on the truck managed to flee away, however, co-accused Manoj Mahto, the driver of the truck was apprehended and on search, altogether 2964.96 litres Indian made foreign liquor was recovered.

Learned counsel appearing on behalf of the petitioner submitted that the petitioner was neither arrested at the spot nor any incriminating material has been recovered from his person or possession. It is further submitted that the name of the petitioner has come on the disclosure made by the apprehended person, namely Manoj Mahto and the said Manoj Mahto has already been granted bail by learned co-ordinate Bench of this Hon'ble Court in Cr. Misc. No. 2001 of 2022 vide order dated 22.06.2022. It is next submitted that only because of past criminal antecedent, his name has been implicated in this case and save and except the disclosure made by the apprehended person, there is no material suggesting the complicity of the petitioner in this case and moreover, the petitioner is in custody since 16.04.2022.

On the other hand, learned APP for the State opposes the bail application.

Having considered the submissions made on behalf



of the parties and taking into account the fact that the petitioner was neither arrested at the spot nor any incriminating material has been recovered from his person or possession and the co-accused, on whose disclosure, the name of the petitioner has transpired, has already been granted bail by learned co-ordinate Bench of this Hon'ble Court, 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 Exclusive Special Excise Court No. 2, Begusarai in connection with Bakhri P. S. Case No. 332 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 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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