

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29636 of 2022

Arising Out of PS. Case No.-41 Year-2022 Thana- MADHWAPUR District- Madhubani

Ashok Mahto, Son of Rajendra Mahto @ Rajendra Suri, Resident of Village -
Pihwara, P.S.- Saharghat, District - Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Prabhakar Thakur, Advocate

For the Opposite Party/s : Md. Nazir Ansari, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 17-08-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in connection with Madhwapur P.S. Case No. 41 of 2022, bearing G.R. No. 485 of 2022, registered for the alleged offences under Sections 272, 273 and 414 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

As per prosecution case, during checking of vehicles, the motorcycle of the petitioner was intercepted and from the dickey of this motorcycle, 5.250 litres of liquor was recovered.

The learned counsel for the petitioner submits that the



petitioner has been falsely implicated in this case and nothing incriminating has been recovered from his possession. He is not the owner of the motorcycle and he took this motorcycle from one of his co-villagers for use. The petitioner has no knowledge about the liquor being kept inside the dicky of the motorcycle and only after search was conducted, he came to know about the liquor kept inside the motorcycle. He has been arrested merely on the basis of suspicion. The petitioner never indulged in selling and purchasing the liquor to anybody. The owner of the motorcycle has intentionally implicated the petitioner in the instant case. The petitioner is in custody since 27.03.2022 and the charge-sheet has been submitted in this case.

Learned APP opposes the prayer for bail submitting that the petitioner is having criminal antecedent.

Having regard to the submissions made hereinabove and considering the period of his custody along with the submission of charge-sheet in this case, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge-II-cum- Special Judge, Excise Act, Madhubani, in connection with Madhwapur P.S. Case No. 41 of



2022, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions :

- (i) The bail bond of the petitioner will be accepted only after framing of charge, if not already framed.
- (ii) One of the bailors will be the deponent, who has sworn the affidavit.
- (iii) The petitioner will remain present on each and every date fixed by the court below.
- (iv) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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