

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31409 of 2022

Arising Out of PS. Case No.-218 Year-2022 Thana- AHYAPUR District- Muzaffarpur

Raju Mahto Son Of Shivrath Mahto @ Sri Nath Mahto Resident Of Mohalla
- Gola Bandh, Road No. -01, Lichi Gachhi, P.S. - Town, District-
Muzaffarpur, Bihar.

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Prabhat Kumar Singh

For the Opposite Party/s : Mr.Arun Kumar Singh

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 08-08-2022 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
Ahiyapur P.S. Case No. 218 of 2022 registered for the offences
punishable under Sections 414, 290 of the Indian Penal Code
and Sections 30(a)/36 of the Bihar Prohibition and Excise Act,
2016.

As per prosecution case, there is alleged recovery
of 698.04 litre foreign liquor from the pick-up van in question
and petitioner and others were apprehended on the spot.

Learned counsel for the petitioner submits that



petitioner is in custody since 18.03.2022 and bears criminal antecedent of one case of similar nature. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. It has been further submitted that petitioner has no concern with the seized pick-up van in question and liquor and petitioner was not apprehended on spot. There is no compliance of Section 100 Cr.P.C and petitioner has been falsely implicated in this case.

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

Considering the facts and circumstances of the case, period of custody, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence and also taking into consideration that petitioner was not apprehended on spot and the material available on record, let the petitioner above named be released on bail, **after framing of charge** on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court No. 1, Muzaffarpur in connection with Ahilyapur P.S Case No. 218 of 2022, 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)

sanjeev/-

U		T	
---	--	---	--

