

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39869 of 2021

Arising Out of PS. Case No.-154 Year-2021 Thana- SAHEBGANJ District- Muzaffarpur

Charitra Mahto @ Ram Charitra Mahto @ Ram Charitam Mahto Son of
Ramjit Mahto Resident of Village- Basantpur, P.S.- Sahebganj, District-
Muzaffarpur. Petitioner/s

Versus

The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ravi Nandan, Adv.
For the Opposite Party/s : Mr.Khurshid Anwar

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 19-01-2022 The matter has been listed today for consideration
through virtual mode.

Heard learned counsel appearing on behalf of the
petitioner as well as learned Additional Public Prosecutor
appearing for the State.

Let the defect(s) be removed within two weeks of the
complete start of the physical Court in normal course.

Petitioner who is in custody since 03.04.2021 seeks
bail in connection with Sahebganj P.S. Case No.154/2021
registered for offence punishable under Sections 272, 273/34 of
IPC and 30(a)(d) of Bihar Prohibition and Excise Act.

Prosecution case in brief, is that altogether 52 liters of
illicit country-made liquor was recovered along with 1060 liters
of fermented solution was also recovered from the houses of the
accused named in the FIR.



Learned counsel appearing on behalf of the petitioner submits that the accused persons from whose possession the recovery was made has taken the name of the petitioner. Petitioner belongs to another village, ten kilometers apart from the place of recovery. The petitioner name has been roped in the present case due to enmity.

Learned APP for the State vehemently opposes the prayer for grant of bail to the petitioner.

Considering the afore-mentioned facts and circumstances and of the case and in view of the statement made in paragraph no.3 of the bail petition, it is directed that the court below shall verify the criminal antecedent of the petitioner and if no other criminal case or excise case is pending against the petitioner as what has been stated in paragraph no.3 of the bail petition, the petitioner, above named, be released on bail on furnishing bail bond of Rs.1,00,000/-(Rupees One Lac) with two sureties of the like amount each to the satisfaction of learned Special Judge Excise, Muzaffarpur in connection with Sahebganj P.S. Case No.154/2021, subject to the following conditions:

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the court



concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court.

(3) If the petitioner tamper with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(4) If the petitioner is found involved in similar nature of offence, after release on bail, the trial court shall take steps to cancel his bail bonds.

(Purnendu Singh, J)

Prakash Narayan /-

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