

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41504 of 2021

Arising Out of PS. Case No.-210 Year-2020 Thana- JALE District- Darbhanga

Sumit Kumar Mahto @ Sumit Mahto S/O Prem Mahto @ Prem Kumar
Mahto R/O Village-Lataraha, P.S-Jale, District-Darabhanga.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ravi Prakash

For the Opposite Party/s : Mr.Anant Kumar 1

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 22-01-2022 Heard learned counsel for the petitioner and learned
APP for the State through virtual court proceeding.

Learned counsel for the petitioner undertakes to
remove the defects within three weeks. In the eventuality of
non-removal of defects within undertaken period, the office will
place the matter before the Bench.

The petitioner is apprehending his arrest in a case
registered for the offence punishable under Section 30(a) of the
Bihar Prohibition and Excise Act.

Learned counsel for the petitioner submits that
petitioner is innocent and has been falsely implicated in this
case. He submits that there is no recovery from the conscious
possession of the petitioner rather 1896.4 liters of foreign liquor
is said to have been recovered from the truck. He submits that
petitioner has been made accused in this case on the basis of



confessional statement of co-accused Subhash Kumar. He submits that petitioner has no concern with the said truck and other vehicle which was seized from the place of occurrence. He further submits that petitioner has no criminal antecedent as stated in para-3 of the bail application.

Petitioner is agreed to deposit a sum of Rs. 50,000.00 (Rupees Fifty Thousand) in the Bihar Kishore Nyay Nidhi, Apna Ghar, Near Lalit Bhawan, Bailey Road Patna, bearing Saving Account No. 35094613009, State Bank of India, Branch Name Patna Secretariat Sinchai Bhawan, Branch Code- 153, IFSC Code-SBIN0000153.

Considering the facts and circumstances of the case, the above named petitioner in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be enlarged on bail on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Jala P.S. Case No. 210 of 2020, subject to the condition as laid down under Section 438 (2) of the Cr.P.C. as also the following conditions:

- (1) One of the bailors will be a close relative of the



petitioner, who will give an affidavit giving genealogy as to how he is related with petitioner. He will also undertake to inform the Court if there is any change in the address of petitioner.

(2) The bailor shall also state on affidavit that he will inform the Court concerned if the petitioner is implicated in any other case of similar nature and thereafter the Court below will be at liberty to initiate proceeding for cancellation of anticipatory bail on the ground of misuse.

The bail bond of the petitioner shall be accepted by the learned Court below on showing receipt of deposit of Rs. 50,000.00 (Rupees Fifty Thousand) in the Bihar Kishore Nyay Nidhi, Patna.

(Anjani Kumar Sharan, J)

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