

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41858 of 2021

Arising Out of PS. Case No.-47 Year-2021 Thana- CHOUTARWA District- West Champaran

RUDAL MAHTO S/O SRI RAMCHANDRA MAHTO R/O VILLAGE-
GARABHUA, LALA TOLA, CHHAWANI, P.S.-CHANPATIA (SIRISIYA),
DISTRICT-WEST CHAMPARAN.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Umesh Chandra Verma, Advocate.

For the Opposite Party/s : Mr.Chandra Bhushan Prasad, APP.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 22-01-2022 Heard the parties through video conferencing.

Heard learned counsel appearing on behalf of the
petitioner and learned A.P.P. for the State.

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

The petitioner, who is in custody since 10.02.2021,
seeks regular bail in connection with Chautarwa P.S. Case No.
47 of 2021 for the offence punishable under Section 414 of the
Indian Penal Code and Section 37(c) of the Bihar Prohibition
and Excise Act, 2016.

The prosecution case, in brief, is that on seeing the
police when the petitioner in drunken condition tried to flee
away, he was apprehended by the police and from his possession



a motorcycle having no registration no. and bearing Engine No. JC 17E T0351792 and Chassis No. NE4JC713AWT121720 was recovered. Accordingly, seizure-list was prepared.

Learned counsel appearing on behalf of the petitioner submits that the petitioner is innocent and he has falsely been implicated in this case. Nothing has been recovered from the physical possession of the petitioner. He further submits that no breath analyzer test has been conducted on the petitioner. Petitioner is the sole bread earner of his family and is in custody since 10.02.2021.

Learned A.P.P. for the State has opposed the prayer for grant of bail to the petitioner.

Considering the aforementioned facts and circumstances of the case and the period of custody of the petitioner, the petitioner, above named, is directed to be enlarged on bail on furnishing bail bond of Rs.50,000/- (Rupees fifty thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge, Excise, Waset Champaran, Bettiah in connection with Chautarwa P.S. Case No. 47 of 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 tampers 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 his release on bail, the trial Court shall take steps to cancel his bail bonds.

(Purnendu Singh, J)

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