

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44188 of 2021

Arising Out of PS. Case No.-287 Year-2021 Thana- MUFFASIL District- West Champaran

PRAMOD MAHTO S/o SATYA NARAYAN MAHTO R/o VILLAGE-
GARABHUWA LALA TOLA, P.S-CHANPATIA SIRISIYA O.P., DISTRICT-
WEST CHAMPARAN.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar Shrivastava

For the Opposite Party/s : Mr. Sanjay Kumar Pandey

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 11-01-2022 Heard the parties through video conferencing.

Heard learned counsel appearing on behalf of the
petitioner and learned APP appearing on behalf of 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 25.04.2021 seeks
regular bail in connection with Bettiah Mufassil (Manuapul
O.P.) P.S. Case No. 287 of 2021 registered for offence
punishable under Section 30(a) of the Bihar Prohibition and
Excise Act, 2016.

Prosecution case in brief is that altogether 9 litres of
country made liquor was recovered from the dicky of the
motorcycle bearing Engine No. JC73ET2233833 and Chassis



No. ME4JC73ABKT005747.

Learned counsel appearing on behalf of the petitioner submits that nothing has been recovered from the conscious possession of the petitioner and he has been roped in the present case just because he is involved in six other cases relating to Excise Act and as such considering the period of custody of the petitioner and small quantity of liquor, the petitioner be released on bail.

Learned A.P.P. on behalf of the State submits that the petitioner is a habitual offender and he is involved in manufacturing of chulai liquor and as such he does not deserve to be released on bail.

Considering the above mentioned facts and circumstances of the case as well as period of custody and no allegation of tampering the evidence or influencing the witnesses, the petitioner is directed to be enlarged on bail upon 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, Bettiah, West Champaran in connection with Bettiah Mufassil (Manuapul O.P.) P.S. Case No. 287 of 2021 subject to the following conditions:

- (i) Bailors should be local having sufficient



immovable property within the jurisdiction of the Court concerned.

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

(iii) 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.

(iv) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel their bail bond.

(Purnendu Singh, J)

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