

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38312 of 2022**

Arising Out of PS. Case No.-39 Year-2022 Thana- KHAJAULI District- Madhubani

VIKASH KUMAR MAHTO @ VIKASH KUMAR Son of Indal mahto @
Indal Kumar mahot Resident of Village - Datuar, Police Station- Khajauli,
Dist.- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bhavesh Kumar Sah, Advocate.

For the Opposite Party/s : Mr. Shantanu Kumar, APP.

**CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER**

2 16-09-2022 Learned counsel for the petitioner is permitted to
remove defect(s), as pointed out by the office, if any, within a
period of four weeks from today.

Heard Mr. Bhavesh Kumar Sah, learned counsel for
the petitioner as well as learned Additional Public Prosecutor for
the State.

The application for grant of bail to the petitioner,
above named, who has been made accused and put behind the
bar in connection with Khajauli P. S. Case No. 39 of 2022
registered for the offences punishable under Sections 272, 273,
414 of the Indian Penal Code and Section 30 (a) of the Bihar
Prohibition and Excise Act.

As per the prosecution case, it is alleged that the



police, on a secret information, intercepted a motorcycle and on search, 54 litres Nepali country-made liquor was recovered. It is also alleged that the name of the petitioner was disclosed by a local Choukidar.

Learned counsel appearing on behalf of the petitioner submitted that the petitioner was neither arrested at the spot nor any incriminating material has been recovered. It is also submitted that the petitioner has neither any concern with the motorcycle, in question, nor with the alleged recovered wine. It is further submitted that having fair antecedent, the petitioner is in custody since 06.05.2022, though, the investigation of the crime is already completed and the charge sheet has been submitted.

On the other hand, learned APP for the State opposes the bail application.

Regard being had to the submissions made on behalf of the parties and taking into account the fact that the petitioner was neither arrested at the spot nor he had any connection with the motorcycle seized by the police, apart from the fact that the he is in custody since 06.05.2022, having fair antecedent, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees ten thousand)



with two sureties of the like amount each to the satisfaction of learned 2nd Additional Sessions Judge cum Special Judge Excise Act, Madhubani in connection with Khajauli P. S. Case No. 39 of 2022, subject to the condition that one of the bailors will be the close relative of the petitioner with further conditions which are as follows:-

- (i) The petitioner will cooperate in conclusion of the trial.
- (ii) He will remain present on each and every date of trial till disposal of the case.
- (iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.
- (iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(Harish Kumar, J)

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