

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39797 of 2022

Arising Out of PS. Case No.-174 Year-2021 Thana- HASANPUR District- Samastipur

SHASHI KANT MAHTO @ SHASHIKANT KUMAR MAHTO Son of
Gajendra Mahto @ Gajendra Prasad Singh Resident of Village - Mauji
(Mauzi), P.s.- Hasanpur, Distt.- Samastipur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sarbottam Kumar Sarkar

For the Opposite Party/s : Mr.Sanjay Kumar

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 23-08-2022 Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with Hasanpur
P.S. Case No. 174/2021 registered for the offences punishable
under Section 30(a) of the Bihar Prohibition and Excise
(Amendment) Act, subsequently charge sheet has been
submitted under Sections 30(a), 41(1) (ii) and 47 of the Bihar
Prohibition and Excise (Amendment) Act, 2018.

As per prosecution case, there is alleged recovery of
total 888.555 liters foreign liquor from the truck in question.
The petitioner and others fled away from the place of



occurrence. The name of petitioner has been transpired in this case on the basis of secret information.

Learned counsel for the petitioner submits that petitioner is innocent and has falsely been implicated in this case due to village politics. The petitioner was not apprehended on the spot and nothing has been recovered from the conscious possession of the petitioner. Learned counsel for the petitioner further submits that the petitioner was neither owner of the said truck in question nor concerned with the alleged seized liquor. The petitioner is languishing in custody since 01.05.2022 and bears no criminal antecedent. Charge sheet has been submitted in this case and there is no likelihood of tampering with the prosecution evidence. Co-accused, Sujit Kumar has already been granted bail by the co-ordinate Bench of this Court vide Cr. Misc. No.68841/2021.

The learned A.P.P. for the State vehemently opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, petitioner was not apprehended on the spot, charge sheet has already been submitted in this case as submitted and keeping in view clean antecedent of petitioner and also taking into consideration the material available on



record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Excise Court-1st, Samastipur in connection with Hasanpur P.S. Case No. 174/2021, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

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

(Alok Kumar Pandey, J)

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