

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41072 of 2022

Arising Out of PS. Case No.-87 Year-2022 Thana- BASOPATTI District- Madhubani

RAJESH MAHTO S/o Dasai Mahto, R/o village- Basopatti, P.S.- Basopatti,
Distt.- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Md. Nazir Ansari, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

2 27-08-2022 Let the defects, as pointed out by the Office, be
removed within a period of two weeks from today.

Heard learned counsel for the petitioner and learned
APP for the state.

Petitioner seeks regular bail in connection with
Basopatti P.S. Case No. 87 of 2022 alleged under Sections 272
and 273 of the Indian Penal Code and Section 30(a), 42 of Bihar
Prohibition and Excise Act, 2016.

As per the prosecution, total 108 litres of Nepali wine
were alleged to be recovered, which was kept on two
motorcycles.

Learned counsel for the petitioner submits that he is
not the owner of the motorcycle and police has arrested him
upon chase alleging that he was standing near motorcycle.

Learned counsel for the petitioner further submits that charge sheet has already been filed in this case and petitioner is in custody since 24.04.2022 having clean antecedent.

Learned counsel for the State opposes the prayer for bail.

In the present facts and circumstances of the case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-II-cum-Special Judge, Excise Act, Madhubani in connection with Basopatti P.S. Case No. 87 of 2022, subject to the conditions as laid down under Section 437(3) of Cr.P.C. with other following conditions:

A. The petitioner shall support in trial and shall appear physically before the lower court on each and every date fixed, in case of non-appearance for two consecutive dates without sufficient cause, shall resulted into cancellation of his bail bond.

B. One of the bailor shall be close relative who shall file affidavit before the court about his relation with the petitioner.

C. The petitioner shall file an affidavit at the time of furnishing of bail bond that he shall not involve in such criminal activity during the continuance of present bail bond, violation of this condition shall be resulted into cancellation of his present bail bond.

With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

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