

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42537 of 2022

Arising Out of PS. Case No.-278 Year-2021 Thana- KUNDWACHAINPUR District- East
Champaran

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PRATAP MAHTO Son of Panchu Mahato Resident of village- Ward No. 5,
Tilahra Kalan, P.S- Kundwa Chainpur, Dist- East Champaran

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Kundan Rathore@ Kundan Kumar
For the Opposite Party/s : Mr.Gulnar Begum

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 26-08-2022 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

Kundwa Chainpur P.S. Case No. 278 of 2021 registered for the

offences punishable under Sections 30(a), 41(I) of the Bihar

Prohibition and Excise Amendment Act, 2018.

As per prosecution case, there is alleged recovery

of 207 litres Nepali country made liquor from the place of

occurrence. Co-accused Mukesh Kumar was apprehended on

spot and he disclosed the name of present petitioner and others

who fled away from the place of occurrence.



Learned counsel for the petitioner submits that petitioner is in custody since 02.05.2022. Petitioner bears two criminal antecedent out of which one is of similar nature. Learned counsel further submits that nothing has been recovered from the conscious possession of the petitioner. Petitioner has no concern with the seized liquor. Petitioner is not apprehended on spot.

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

Considering the facts and circumstances of the case as well as period of custody, petitioner is not apprehended on spot and also taking into consideration the material available on record, let the petitioner above named be released on bail after framing of charge on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court No. 1, East Champaran, Motihari in connection with Kundwa Chainpur P.S. Case No. 278 of 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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