

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53680 of 2021

Arising Out of PS. Case No.-537 Year-2021 Thana- MUZAFFARPUR TOWN District-
Muzaffarpur

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MUNNA MAHTO S/O Laldhary Mahto Resident of Mohalla - Akharaghat
Karpuri Nagar, Ward no. -15, P.S. - Town (Sikandarpur O.P.), District -
Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anjana, Adv.

For the Opposite Party/s : Mr. Humayou Ahmad Khan, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 11-01-2022 Let the defects, as pointed out by the office, be

removed within four weeks of starting of Court proceeding

in physical mode in normal course.

Heard learned counsel for the petitioner and the

learned A.P.P. for the State.

The petitioner seeks bail in connection with Town

P.S. Case No. 537 of 2021 registered for the offence under

Sections 272, 273 and 34 of the Indian Penal Code and

Section 30(a) and 34 of the Bihar Prohibition and Excise Act.

Recovery is of 22 liters of country made liquor.

Learned counsel appearing for the petitioner

submits that the petitioner, who is of clean antecedent, is

innocent and has falsely been implicated in this case. In fact,



nothing has been recovered from the conscious possession of the petitioner rather the alleged recovery has been made from the hut of Binod Sahni as is evident from the F.I.R itself. The petitioner has no concern with the alleged liquor. The petitioner has been languishing in judicial custody since 19.07.2021.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, let the, above named, petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise Act, Muzaffarpur in connection with Town P.S. Case No. 537 of 2021 with the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled by the Court below.

(2) 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.

And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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