

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54177 of 2021

Arising Out of PS. Case No.-147 Year-2019 Thana- BAKHTIYARPUR District- Patna

BARPHI MAHTO SON OF BHAGIRATH MAHTO R/O VILLAGE- NAYA
TOLA, P.S.- BAKHTIYARPUR, DISTRICT- PATNA

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Kumar

For the Opposite Party/s : Mr.Sucheta Yadav

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 20-01-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State in virtual court
proceeding.

Let the defects, as pointed out by the office, be
removed within four weeks of start of normal functioning of the
physical court.

Petitioner seeks bail in connection with Special Case
No. 4680 of 2019 arising out of Bakhtiyarpur P.S. Case No. 147
of 2019 registered for the offences punishable under Sections
328, 120(B) of the IPC and Sections 30(a), 30(c), 30(d) of Bihar
Prohibition and Excise Act.

There is recovery of 274.200 litres of illicit liquor
from a boat.

Learned counsel for the petitioner submits that
petitioner has clean antecedent and has committed no offence



and he has falsely been implicated in the present case. It is further submitted that name of the petitioner has been transpired on the basis of information given by the Chowkidar. It appears from the FIR that nothing has been recovered from conscious possession of the petitioner rather the recovery has been made from one boat. Petitioner has not arrested on the spot. Learned counsel further submits that co-accused Billa Ray and Yadav @ Yadav Ray have been granted privilege of anticipatory bail by a co-ordinate Bench of this court vide order dated 09.06.2020 passed in Cr. Misc. No. 69975 of 2019. Petitioner is in custody since 22.10.2020.

The learned Additional Public Prosecutor opposed the prayer of bail.

Considering the aforesaid facts and circumstances as well as period of custody, let the petitioner, above named, 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 the learned Special Judge, Excise Court, Patna in connection with Special Case No. 4680 of 2019 arising out of Bakhtiyarpur P.S. Case No. 147 of 2019, subject to 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 absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled 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.

3. 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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