

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44513 of 2022

Arising Out of PS. Case No.-201 Year-2021 Thana- LAKHNAUR District- Madhubani

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MANISH MAHTO @ MANISH KUMAR Son of Kulanand Mahto Resident
of Village Khapauli, P.S. Lakhanaur, District - Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Anju Mishra, Advocate

For the Opposite Party/s : Ms.Meena Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 16-11-2022 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 learned
Additional Public Prosecutor for the State.

The petitioner is apprehending his arrest in a case
registered for the offences punishable under Section 30(a) of
Bihar Prohibition and Excise Amendment Act, 2018.

Recovery is of 1199 liters and 400 mililiters of
English Wine.

Learned counsel for the petitioner submits that
petitioner has clean antecedent. He has falsely been implicated
in the present case on the basis of suspicion. Further submits
that it appears from the FIR as well as seizure list that nothing



has been recovered from conscious possession of the petitioner rather the recovery has been made from the Straw house of co-accused Dinesh Mahto and the petitioner has no concern at all with the alleged recovery of liquor or the co-accused person.

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

Considering the facts and circumstances of the case, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, 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 court below where the case is pending in connection with Lakhnaur P.S. Case No. 201 of 2021, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other 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 their absence on two consecutive dates without sufficient reason, his bail bonds shall be cancelled by the Court below.

(2) If the petitioner tamper 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 antecedents, 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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