

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44750 of 2022

Arising Out of PS. Case No.-160 Year-2022 Thana- HARLAKHI District- Madhubani

Sita Ram Mahto @ Sita Saran, Son Of Biltu Mahto, R/O Village- Semhali,
P.O.- Saharghat, P.S.- Khirhar, District- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ratanakar Jha, Advocate

For the Opposite Party/s : Mr.Sanjay Kumar Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 30-09-2022 Heard learned counsel for the petitioner and learned
APP for the State through video conferencing.

Let the defect (s), as pointed out by the office, be
removed within a period of four weeks.

In the present case, the petitioner seeks bail in
connection with Harlakhi P.S. Case No. 160 of 2022 registered
for the alleged offences under Sections 272 and 273 of the
Indian Penal Code and Section 30(a) of the Bihar Prohibition
and Excise (Amendment) Act.

As per prosecution case, the petitioner was found
carrying 49.5 litres of Nepali country made liquor on
motorcycle.

The learned counsel for the petitioner submits that the
petitioner is innocent and has been falsely implicated in this



case. Petitioner was not carrying anything and he was arrested by the police merely on suspicion. Nothing incriminating has been recovered from his conscious possession. The petitioner has no connection with the seized liquor or the motorcycle and he has been made accused by the police merely on suspicion and he was only a passerby. The petitioner is in custody since 17.06.2021 and the charge-sheet has been submitted in this case. The petitioner has got clean antecedent.

Learned APP opposes the prayer for bail.

Having regard to the submissions made hereinabove and considering the clean antecedent of the petitioner along with his period of custody and submission of charge-sheet, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty 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 Harlakhi P.S. Case No. 160 of 2022 corresponding to G.R. No. 856 of 2022, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions :

- (i) One of the bailors will be a close relative of the petitioner.



(ii) The petitioner will remain present on each and every date fixed by the court below.

(iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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