

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48790 of 2022

Arising Out of PS. Case No.-13 Year-2021 Thana- BISFI District- Madhubani

=====

Anil Mahto, Son of Ramchandra Mahto Resident of Village - Benta Parsa
Reriyahi, P.S.- Harlakhi, District - Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Murari Narain Chaudhary, Advocate

For the Opposite Party/s : Dr. Ajeet Kumar, APP

=====

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 22-11-2022 Heard learned counsel for the petitioner and learned
APP for the State.

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 Bisfi P.S. Case No. 13 of 2021 registered for
the alleged offences under Sections 272 and 273/34 of the
Indian Penal Code and Section 30 (a) of the Bihar Prohibition
Act and Excise Act, 2018.

As per prosecution case, recovery of total 327 litres of
Nepali country made liquor was made from a vehicle owned by
the petitioner.

The learned counsel for the petitioner submits that the
petitioner was not apprehended from the spot and nothing



incriminating has been recovered from his conscious possession. The vehicle of the petitioner is a commercial pick-up van and the same was being used as a public carrier by the driver. The police ought to have apprehended the driver but they did not do so and falsely implicated this petitioner, though, he was neither present at the place of the occurrence nor he was driving the pick-up van at the alleged time and date of the occurrence. The petitioner is in custody since 15.06.2022 and charge-sheet has been submitted.

Learned APP opposes the prayer for bail.

Having regard to the facts and circumstances and submissions made on behalf of the parties and further considering the submission of charge-sheet and the period of custody of this petitioner, 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/Incharge Successor Court in connection with Bisfi P.S. Case No. 13 of 2021, subject to the conditions mentioned in Section 437(3) of the Cr.P.C. and 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)

Rajnish/-

U		T	
---	--	---	--

