

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54617 of 2022

In
CRIMINAL MISCELLANEOUS No.27562 of 2022

Arising Out of PS. Case No.-483 Year-2021 Thana- CHANPATIA District- West Champaran

Lalan Mahto, S/o Mahanth Mahto Resident of village- Garbhuwa, Lala Tola,
P.S.- Sirisiya (O.P.), District- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar Shrivastava, Advocate

For the Opposite Party/s : Mr.Asha Devi

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 12-10-2022 Heard learned counsel for the petitioner and the
learned APP for the State.

The matter is of 27.09.2021 when the FIR was
instituted under Section 30(a) of the Bihar Prohibition and
Excise Act, 2016 in connection with Chanpatia (Sirisiya O.P.)
P.S. Case No.483 of 2021.

The petitioner later went into judicial custody and
preferred Bail Petition No.1945 of 2022 before the learned
Special Judge, Excise, Bettiah, West Champaran which came to
be dismissed on 21.04.2022.

This led to the filing of Cr. Misc. No.27562 of 2022
which was taken by this Court on 06.08.2022.

The petitioner has criminal antecedents inasmuch as
he has five criminal cases under his belt arising out of Excise



Act itself. Further, nowhere in the bail application his date of judicial custody was mentioned.

When the case was taken up on 06.08.2022, on query, learned counsel for the petitioner, Mr. Sanjeev Kumar Shrivastava categorically submitted that the petitioner is in custody since 28.01.2022 and if the same is found to be incorrect, his bail order may become infructuous.

Taking into account the said categorical statement made by the learned counsel for the petitioner, this Court allowed the bail application with the rider that if the said statement is found to be false, the bail order shall become infructuous.

Once the order was passed on 06.08.2022 a modification petition vide Cr. Misc. No.54617 of 2022 was preferred in which it has been stated that although the petitioner is in judicial custody since 28.03.2022, due to inadvertent mistake it has been recorded as 28.01.2022.

This Court with great respect to the learned counsel for the petitioner observes that it is an entirely false statement. Not only he had submitted the period of custody as 28.01.2022, he had further submitted that if it is found false the bail order shall become infructuous.



Further the order was dictated and twice the said date was dictated in the presence of the learned counsel for the petitioner while passing the order dated 06.08.2022 but he did not point out any error in the dictation.

Instead of accepting his guilt, learned counsel for the petitioner chose to pass the buck on the Court which is strongly deprecated.

Taking into account the aforesaid facts, the modification petition stands rejected.

(Rajiv Roy, J)

Prakash Narayan /-

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