

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60257 of 2021

Arising Out of PS. Case No.-246 Year-2020 Thana- BAIKUNTHPUR District- Gopalganj

Pawan Mahto Son of Satan Mahto Resident of Village - Pipra, P.S. -
Baikunthpur, District - Gopalganj.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Vyas Kumar Mishra
		Mr Anirudh Kumar Verma
For the Opposite Party/s :		Mr.Umeshanand Pandit

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 13-04-2022 Let the defects, if any, be removed within four weeks
from today.

Heard learned counsel for the petitioner as well as
learned Additional Public Prosecutor for the State.

Petitioner seeks bail in a case registered in connection
with Baikunthpur P.S.Case No. 246 of 2020 for the offences
punishable under Sections 30(a), 32, 41 of the Bihar Prohibition
& Excise Amendment Act 2018.

As per the prosecution case, it is alleged that on
06.08.2020, the police on a secret information intercepted a
truck and Bolero pick -up-van and on the spot two persons were
apprehended. It is further alleged that six person including this
petitioner were present there but succeeded to flee away. It is



further alleged that on search 1200 liters illicit country made liquor kept in six drums have been recovered from a truck and 100 liters illicit liquor kept in five drums in Bolero pick up van .

It is submitted on behalf of the learned counsel for the petitioner that petitioner was not apprehended on the spot rather his name has been surfaced on the basis of statement of apprehended person. It is further submitted that petitioner has neither concerned with the seized liquor nor he is any how connected with the seized vehicle. It is next submitted that similarly situated, persons whose name has been surfaced on the statement of the co-accused as well as who were apprehended by the police have been granted bail by different Benches of this Court and in support of the aforesaid submission the counsel for the petitioner produce five order of this Court whereby bail have been granted to different persons. The copy of the orders are being kept on record. It is next submitted that this petitioner is in custody since 04.09.2021.

The learned A.P.P opposed the prayer for bail of the petitioner and submits that this petitioner has found involved in six other cases, which is mentioned in para-3 of the petition. In reply to the aforesaid submission, counsel for the petitioner



submits that in all the cases, petitioner is on bail.

Having heard the rival contentions of the parties and taking into consideration the fact that petitioner was neither apprehended on the spot nor anything has been recovered from possession of the petitioner. Apart from the fact that other similarly, situated co-accused have been granted bail by co-ordinate Benches of this Court, let the petitioner, above named, be released on bail on furnishing bail bonds 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, Gopalganj in connection with Baikunthpur P.S.Case No. 246 of 2020, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be



cancelled.

(Harish Kumar, J)

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