

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62564 of 2021

Arising Out of PS. Case No.-181 Year-2021 Thana- CHAPRA TOWN District- Saran

1. MUKESH MAHTO Son of Ashok Mahto
2. Kanhaiya Prasad Son of Late Mohan Prasad
Both are Resident of Village - Dahiyawan, P.S.- Nagar (Chapra Town),
Distt.- Saran at Chapra.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Abhishek Kumar, Adv
	:	Mr.Ajit Kumar Singh, Adv
For the Opposite Party/s	:	Mr.Akbar Ali,APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 09-05-2022 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.

Two supplementary affidavits, carrying out necessary correction in the main petition, have been filed on behalf of the petitioners, which is kept on record.

Heard learned counsel for the petitioners and learned APP for the State.

Petitioners seek bail in a case registered for the offence punishable under Sections 30 and 41(i)(ii) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

The prosecution story, in brief, is that total 200 liters



wine is recovered from the Tempo in question.

Learned counsel appearing for the petitioners submits that the petitioner No.2 has clean antecedent and petitioner No.1 carries one more case other than the present one. He further submits that it appears from the FIR as well as seizure list that nothing has been recovered from conscious possession of the petitioners rather the recovery has been made from the Tempo in question. He further submits that the petitioner No.1 is driver and petitioner No.2 is neither the driver nor the owner of the Tempo in question. He further submits that co-accused, namely, Mukesh Rai has been granted privilege of anticipatory bail vide order at Annexure-P/2 of the supplementary affidavit and the police, after investigation, submitted chargesheet against the petitioners and the petitioners are in custody since 24.03.2021.

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

Considering the facts and circumstances of the case, let the petitioners, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Chapra (Town) P.S. Case No. 181 of 2021, with the



following conditions:-

(1) Petitioners 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, their bail bond shall be cancelled by the Court below.

(2) If the petitioners 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 petitioners and in case at any stage, it is found that the petitioners have concealed their criminal antecedents, the court below shall take step for cancellation of bail bond of the petitioners. 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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