

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61954 of 2021

Arising Out of PS. Case No.-744 Year-2019 Thana- SARAIYA District- Muzaffarpur

JANGBAHDUR MAHTO Son of Late Nandlal Mahto Resident of Village-
Bahilwara, Police Station- Saraiya, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vijay Kumar, Adv

For the Opposite Party/s : Mr.Suresh Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 03-03-2022 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.

Heard learned counsel for the petitioner and the learned A.P.P. for the State.

The petitioner seeks bail in connection with Saraiya P.S. Case No.744 of 2019, registered for the offence under Sections 272,273,34 of IPC and Section 30 of the Bihar Prohibition and Excise Act, 2016.

50 liters of country made liquor was recovered from the hut of the petitioner.

Learned counsel appearing for the petitioner submits that as per allegation total 50 liters of country made liquor was recovered from the Hut of the petitioner. He further submits that



altogether 125 liters of country made liquor was recovered from different places. He further submits that there is violation of Section 100 of Cr.P.C. He further submits that it appears from the FIR that nothing has been recovered from the conscious possession of the petitioner and the petitioner is in custody since 26.08.2021.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner and submits that the petitioner carries one more case other than the present one.

Considering the facts and circumstances of the case, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise, Muzaffarpur in connection with Saraiya P.S. Case No.744 of 2019 with the following conditions:-

(1) Petitioner 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 his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers 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 petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. 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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