

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64123 of 2021

Arising Out of PS. Case No.-202 Year-2019 Thana- ALOULI District- Khagaria

RAMNANDAN MAHTO @ RAMNANDAN SINGH Son of Late Siya
Mahto Resident of Village- Nishta, P.S.- Alouli, District- Khagaria

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Santosh Kumar Singh, Adv.

For the Opposite Party/s : Mr. Khurshid Anwar, APP

CORAM: HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA

ORAL ORDER

2 22-04-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner apprehends his arrest in connection with Alouli P.S. Case No. 202 of 2019 registered under Sections 30, 30(a), 30(b), 30(c) of Bihar Prohibition and Excise Act.

Learned counsel appearing on behalf of the petitioner submits that petitioner is innocent and has falsely been implicated in the present case. Further submission is that similarly situated co-accused has already been allowed bail by a Co-ordinate Bench of this Court vide Cr. Misc. No. 85750 of 2019 on 17.02.2020 (Annexure-2).

Having considered the facts and circumstances of the case, let the above named petitioner be released on bail, in the event of arrest or surrender before the learned court below within a period of four weeks from today, on furnishing bail

bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Additional District and Sessions Judge-II-cum-Special Judge, Excise Act, Khagaria in connection with Alouli P.S. Case No. 202 of 2019, subject to the condition as laid down under Section 438(2) of the Cr. P.C. as also subject to the condition that whenever the police will call the petitioner for investigation/interrogation, he will remain present and if he would not present himself, the privilege of grant of anticipatory bail shall be deemed to have been cancelled. It is also made clear that if the petitioner is repeats the similar offence in future, the prosecution will be at liberty to file an application for cancellation of the bail.

However, at the time of accepting bail bonds, the court below will verify and ensure itself regarding criminal antecedent of the petitioner and if it is found that the petitioner has clean antecedent, his bail bond will be accepted but, if it is found that the petitioner is involved in any other case before filing of the present case, then he would not be released.

(Arvind Srivastava, J)

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