

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69461 of 2021

Arising Out of PS. Case No.-101 Year-2018 Thana- BHELDI District- Saran

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Pramod Mahto @ Pramod Sah, S/o Jaglal Mahto @ Jaylal Mahto, R/o
Village- Kishunpur, P.S.- Bheldi, District- Saran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ravi Prakash, Advocate

For the Opposite Party/s : Mr. Parmeshwar Mehta, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 05-08-2022 Heard learned counsel for the petitioner and learned
APP for the State through video conferencing.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in connection with Bheldi P.S. Case No. 101 of 2018, registered for the alleged offences under Sections 188, 272, 273 of the Indian Penal Code and Section 30 (a) of the Bihar Prohibition and Excise Act.

Allegedly, 50 liters of illicit liquor was recovered from a bamboo orchard and the petitioner is stated to have fled away from the spot.

The learned counsel appearing on behalf of the



petitioner submits that the petitioner was not arrested from the spot. Nothing incriminating has been recovered from his conscious possession. The petitioner has been named in this case merely on suspicion and he has nothing to do with the alleged recovery. The similarly placed co-accused Mantu Sah has been granted bail by a Coordinate Bench of this Court vide order dated 26.04.2022 passed in Cr. Misc. N o. 67055 of 2021. The charge sheet has been submitted in this case and the petitioner is in custody since 28.09.2021.

Learned APP opposes the prayer for bail submitting that the petitioner is a habitual offender.

Having regard to the submissions made hereinabove and considering the fact that the petitioner has not been arrested from the spot and no recovery has been made from his possession and further considering the submission of charge sheet and the period of custody of the petitioner, he is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned 2nd Additional Sessions Judge-cum-Special Judge, Excise, Saran at Chapra in connection with Bheldi P.S. Case No. 101 of 2018, subject to the conditions mentioned in Section 437 (3) of the Code of Criminal Procedure



and also the following conditions :

(i) The bail bond of the petitioner will be accepted only after framing of charge, if not already framed.

(ii) One of the bailors will be Jaglal Mahto, father of the petitioner, who has sworn the affidavit in this case.

(iii) The petitioner will remain present on each and every date fixed by the court below.

(iv) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

V.K.Pandey/-

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