

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71811 of 2021**

Arising Out of PS. Case No.-174 Year-2021 Thana- GORIAKOTHI District- Siwan

Bhikhar Mahto S/o Daroga Mahto R/o village- Mustafabad, P.S.- Gorla Kothi,
District- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Syed Asgher Najmi, Advocate

For the Opposite Party/s : Mr. Anand Kishore Choudhary, APP

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

3 28-04-2022 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 learned APP for the State.

Petitioner seeks bail in a case registered for the offences punishable under Section 30(a) Bihar Prohibition of Excise Act, 2016.

Recovery is of 20 litres country made *mahua* liquor.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case. Further submits that it appears from the F.I.R. as well as seizure list nothing has been recovered from the conscious possession of the petitioner but his name has transpired only on the basis of



confessional statement of co-accused Raj Kumar and the recovery has been made from the possession of co-accused Raj Kumar. Further submits that the police after investigation submitted chargesheet and the petitioner is in custody since 11.10.2021.

Learned APP for the State has opposed the prayer for bail of the petitioner and submits that the petitioner carries seven 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/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Gorla Kothi P.S. Case No. 174 of 2021, 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 absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witness, in that case, the prosecution will be at liberty to move



for cancellation of bail.

(3) 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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