

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60616 of 2022

Arising Out of PS. Case No.-562 Year-2021 Thana- PHULWARISHARIF District- Patna

Deepak Mahto @ Deepak Kumar, Son of Late Dharichhan Mahto @
Parichhan Mahto R/v- Tamtam Parab, P.S.- Phulwarisharif, Distt.- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vijay Kumar Sinha

For the Opposite Party/s : Mr. Arvind Kumar Pandey(App84)

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 02-12-2022 Heard learned counsel for the petitioner and

learned APP for the State.

The petitioner seeks bail in connection with Special

Case No. 4348 of 2021, arising out of Phulwarisharif P.S.

Case No. 562 of 2021, registered for the offences

punishable under Sections 30(A), 36, 41 and 51 of the Bihar

Prohibition and Excise Act.

As per allegation, 3385.23 litres of foreign made

liquor and 60 litres of country made liquor were recovered

from a scooty and a damaged house.

The Ld. counsel for the petitioner submits that the

petitioner is innocent and has falsely been implicated in this



case. He further submits that nothing has been recovered from the conscious possession of the petitioner. He also submits that petitioner was neither arrested on the spot nor any incriminating articles have been recovered from the possession of the petitioner. He further submits that co-accused persons have been enlarged on bail.

The petitioner has been languishing in jail since 27.06.2022.

It is also stated in paragraph no. 2 of the petition that the petitioner has never moved before this Court for grant of anticipatory bail or regular bail.

It has further been stated in paragraph no. 3 that the petitioner has earlier been made accused in eight more cases.

However, the learned APP for the State vehemently opposes the prayer of the petitioner for bail.

Considering the aforesaid facts and circumstances, the petitioner, above-named, is directed to be released on bail on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to



the satisfaction of the Ld. Special Judge Excise, Patna in connection with Special Case No. 4348 of 2021, arising out of Phulwarisharif P.S. Case No. 562 of 2021 on the following conditions:

(i) The petitioner will make himself available for interrogation by a police officer/court as and when required.

(ii) The petitioner will undertake that investigation/trial will not hamper on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The petitioner shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court below that the petitioner has criminal antecedent other than the disclosed one, the learned court below shall cancel the bail bond of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal



antecedent despite his knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, the learned court below shall cancel the bail bond of the petitioner.

The application stands allowed accordingly.

The learned counsel for the petitioner is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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