

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62267 of 2022

Arising Out of PS. Case No.-169 Year-2021 Thana- LAKHNAUR District- Madhubani

PINTU KUMAR @ PINTOO KUMAR MAHTO Son of Ganesh Mahto R/V-
Rupauli, P.S- Lakhnaur, Dist- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ratanakar Jha

For the Opposite Party/s : Mr. Gauri Shankar Gupta

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 16-12-2022 Heard learned counsel for the petitioner and

learned APP for the State.

The petitioner seeks bail in connection with

Lakhnaur R.S.O.P. P.S. Case No. 169 of 2021 corresponding

to G.R. No. 1752 of 2021, registered for the offences

punishable under Sections 272, 273 and 34 of the Indian

Penal Code and Section 30(a) of Bihar Prohibition and Excise

Act, 2016.

As per allegation, 117.500 litres of liquor was

recovered from the bush behind the house of Jiachh Mandal.

The learned 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 search and seizure has not been made as per the procedure prescribed under Section 100 Cr. P.C. He further submits that similarly situated co-accused person, namely, Rajeev Mandal has already been enlarged on bail vide order dated 29.07.2022 passed in Cr. Misc. No. 23476 of 2022.

The petitioner has been languishing in jail since 06.09.2022.

It is also stated in paragraph no. 2 of the petition that the petitioner has moved before this Court for grant of anticipatory bail vide Cr. Misc. No. 13859 of 2022.

It has further been stated in paragraph no. 3 that the petitioner has earlier been made accused in two other 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. Additional Sessions Judge-II- Cum Special Judge, Excise Act, Jhanjharpur in connection with Lakhnaur R.S.O.P. P.S. Case No. 169 of 2021 corresponding to G.R. No. 1752 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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