

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1670 of 2022

Arising Out of PS. Case No.-228 Year-2021 Thana- SUPPI District- Sitamarhi

SUNIL MAHTO Son of Parmeshwar Mahto @ Prameshwar Mahto Resident
of Village - Akhta Nuniya Tola @ Akhta Noniya Tola, P.S.- Suppi, Distt.-
Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Surendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 13-05-2022 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 in virtual Court proceeding.

Petitioner seeks bail in a case registered for the
offence punishable under Section 30(a) of Bihar Prohibition
and Excise Act, 2018.

Recovery is of 661.800 liters of Napali Saufi Wine.

Learned counsel appearing for the petitioner submits
that the petitioner has clean antecedent. He has falsely been
implicated in the present case. He further submits that in fact the
petitioner was not apprehended on the spot and the name of the



petitioner has transpired on the basis of disclosure made by local Chowkidar and villagers. He further submits that nothing has been recovered from conscious possession of the petitioner rather the recovery has been made from near Akhta Bazar Ghat which is an open place and the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 02.11.2021.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner and submits that the petitioner carries eight more cases other than the present one.

Considering the aforesaid facts, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- (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 Suppi P.S. Case No.228 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/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the



witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

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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