

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8431 of 2023

Arising Out of PS. Case No.-188 Year-2022 Thana- CHANPATIA District- West Champaran

RAMCHANDRA MAHTO Son of Late Jawahir Mahto Resident of Village -
Garabhuwa Lala Tola, P.S.- Chanpatia (Sirisiya O.P.), District - West
Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar Shrivastava, Adv.

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 05-05-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner seeks bail, who is in custody since
13.12.2022 in connection with Chanpatiya (Sirisiya O.P.) P.S.
Case No. 188/2022, F.I.R. dated 23.04.2022, for the offences
punishable under Sections 30(a) of the Bihar Prohibition and
Excise Act.

According to prosecution case, five litres Chulai liquor
has been recovered from the hut of the petitioner.

Learned counsel for the petitioner submits that the
petitioner has falsely been implicated in the present case. He
further submits that it appears from the F.I.R. as well as seizure
list that five litres Chulai liquor has been recovered from the hut



in question and the petitioner was not apprehended at the spot and nothing has been recovered from possession of the petitioner. He further submits that the name of the petitioner has been transpired on the basis of disclosure made by chowkidar and the petitioner has no concern at all with the alleged recovery of illicit liquor and the police after investigation submitted the charge sheet against the petitioner and the petitioner is in custody since 13.12.2022.

Learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner on the ground that the petitioner carries seven criminal antecedent other than the present one.

Considering the aforesaid facts and circumstances, 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 the learned Exclusive Special Judge Excise, Bettiah, West Champaran in connection with Chanpatiya (Sirisiya O.P.) P.S. Case No. 188/2022, subject to 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 witnesses, 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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