

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12339 of 2023

Arising Out of PS. Case No.-57 Year-2021 Thana- MALAYPUR District- Jamui

SALO DA @ AJIT MAHTO Son of Suresh Ram R/V- Saithna, PS- Halsi,
Dist- Lakhisarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dipak Kumar, Advocate

For the Opposite Party/s : Mr. Umeshanand Pandit, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 24-06-2023 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner seeks bail, who is in custody since
02.12.2022, in connection with Malaypur P.S. Case No. 57 of
2021, F.I.R. dated 09.04.2021 registered for the offences
punishable under Sections 272, 273/34 of the Indian Penal
Code, Sections 30(a), 36 & 41(1) of the Bihar Prohibition and
Excise Act, 2018.

Recovery is of 2160 litres of liquor.

Learned counsel for the petitioner submits that the
petitioner is innocent and he has been falsely implicated in the
present case on the basis of disclosure made by co-accused
person namely Vikash Kumar Modi. He further submits that
from perusal of the seizure list it appears that nothing has been



recovered from the conscious possession of the petitioner rather recovery has been made from the truck and maruti car in question. He further submits that the petitioner is neither the driver nor the owner of the vehicle in question and except the confessional statement of co-accused person, no other material has come during investigation to suggest the involvement of the petitioner in the present occurrence. He further submits that co-accused namely Vikash Mumar Modi has been granted bail by a Coordinate Bench of this Court vide order dated 09.05.2022 passed in Cr. Misc. No. 64564 of 2021, another co-accused namely Binod Mumar Yadav has been granted bail by this Court vide order dated 11.03.2022 passed in Cr. Misc. No. 62897 of 2021, another co-accused namely Gunjan Kumar has been granted bail by this Court vide order dated 11.03.2022 passed in Cr. Misc. No. 61902 of 2021, another co-accused namely Jivan Kumar has been granted bail by this Court vide order dated 11.03.2022 passed in Cr. Misc. No. 62016 of 2021, another co-accused namely Rejendra Kumar @ Rejendra Turi has been granted bail by this Court vide order dated 11.03.2022 passed in Cr. Misc. No. 62776 of 2021 and the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 02.12.2022.



The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner on the ground that the petitioner carries three more cases other than the present but fairly submits from paragraph-3 of the petition that out of three cases, he is on bail in two cases.

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 Special Court Excise-I, Jamui in connection with Malaypur P.S. Case No. 57 of 2021, 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 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 antecedents, 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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