

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20370 of 2023

Arising Out of PS. Case No.-17 Year-2023 Thana- PURUSHOTTAMPUR District- West
Champaran

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Rajbali Mahto Son of Thag Mahto @ Khedu Mahto Village Garabhua Lala
Tola Police Station Sirisiya O P District West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Brij Kishor Mishra, Advocate
For the Opposite Party/s : Mr. Lakshmi Kant Sharma, APP

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CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 10-05-2023 Heard learned counsel for the petitioner and

learned APP for the State.

The petitioner seeks bail in connection with

Purushottampur P.S. Case No. 17 of 2023, registered for

the offences punishable under Sections 272 and 273 of the

Indian Penal Code and Section 30(a) of the Bihar Prohibition

and Excise (Amendment) Act, 2018.

As per allegation, from the road, total 112.800

litres of country made liquor were recovered. The petitioner

was found fleeing away from the place of seizure.

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 physical possession of the petitioner. He also submits that the recovery has been made from an open area.

He further submits that the petitioner has been languishing in jail since 06.02.2023.

It has also been stated in paragraph no. 3 of the bail petition that the petitioner is involved in one another case, in which he is on bail.

It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved this Court earlier either for anticipatory bail or regular one.

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

Considering the aforesaid facts and circumstances, **this application is allowed**, directing the petitioner, above-named, to be enlarged on bail on his furnishing bail bonds in the sum of ₹10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, Excise, Bettiah, West Champaran, in



connection with Purushottampur P.S. Case No. 17 of 2023,
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 get hampered 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 any criminal antecedents other
than the disclosed one, learned court below shall cancel the
bail bonds of the petitioner after hearing him and getting
satisfied that the petitioner has concealed his criminal
antecedents 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, learned court below shall cancel the bail bonds of the petitioner.

(vi) In case, the petitioner repeats offence of similar nature after enlargement on bail, his bail-bond will be cancelled by the court below.

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)

Amrendra/-

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