

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30507 of 2023

Arising Out of PS. Case No.-35 Year-2023 Thana- POTHIIYA District- Kishanganj

Binod Mahto @ Binod Kumar Mahto @ Vinod Mahto Son of Late
Kameshwari Mahto R/o Village - Parora, Ward No.- 09, P.S.- K. Nagar,
District - Purnea

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mrityunjay Kumar

For the Opposite Party/s : Mr.Humayou Ahmad Khan

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 19-05-2023 Heard learned counsel for the petitioner and

learned APP for the State.

The petitioner seeks bail in connection with Pothia
P.S. Case No. 35 of 2023, registered for the offences
punishable under Sections 30(a) and 41(i) of the Bihar
Prohibition and Excise (Amendment) Act, 2018.

As per allegation, from a pickup van, total 351
litres of illicit liquor were recovered and the petitioner, being
the driver of the alleged vehicle, was apprehended from the
spot.

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 the petitioner was the driver of the alleged vehicle and he was not aware of the contents of the material loaded in the vehicle.

He further submits that the petitioner has been languishing in jail since 22.02.2023.

It has also been stated in paragraph no. 3 of the bail petition that the petitioner has no criminal antecedents.

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 ADJ-II cum Special Judge (Excise)-1, Kishanganj, in connection with



Pothia P.S. Case No. 35 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 concealed his criminal antecedents, 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.

Ld. 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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