

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28955 of 2022

Arising Out of PS. Case No.-82 Year-2022 Thana- KISHANGANJ District- Kishanganj

Nagina Mahto, aged about 28 years, Gender-male, Son of Mandeo Mahto
Resident of Village Shekhpura, Ward No.-06, P.S. - Vaishali, Dist.- Vaishali.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Ajit Kumar Singh, Adv.

For the State : Mr. Shyam Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 03-01-2023 Heard learned counsel for the petitioner and the learned APP
for the State.

The petitioner seeks bail in connection with Kishanganj PS
Case No. 82 of 2022, registered for the offence punishable under
Sections 467, 468, 420 and 120B of the Indian Penal Code and
Sections 30(a), 41(i) and 43(b) of the Bihar Prohibition and Excise
Act, 2016.

A truck carrying 35,000 liters of spirit has been seized. The
petitioner is stated to be the driver of the vehicle in-question. The
First Information Report (*for brevity 'FIR'*) alleges that when the
truck was stopped, the persons found in the vehicle informed that the
consignee was of a different State and that the vehicle was being
driven through the State of Bihar. During investigation, the
petitioner's confessional statement has been recorded, based on
which, it has emerged that the consignment was to be received by
someone in the District of Muzaffarpur.



Learned counsel for the petitioner submits that the papers which were provided to him with the address of the consignee in Maharashtra formed the basis of petitioner's professional engagement as transporter. He, under the circumstances has become a victim of the circumstance. Having no criminal antecedents, he has remained in custody since 26.02.2022.

Learned APP for the State has opposed the prayer for bail. It is submitted that in the confessional statement, the petitioner has himself stated that the illicit spirit was being transported for consignee in Muzaffarpur.

Considering the rival submissions, this Court, for the purposes of grant of bail, is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail of the petitioner is allowed.

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 Additional District and Sessions Judge -cum- Special Judge, Excise, Kishanganj, in connection with Kishanganj PS Case No. 82 of 2022, subject to the following conditions:-

- (i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.
- (ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail



bond will be liable to be cancelled.

This Court would expect that the petitioner’s counsel would honour his undertaking in the instant proceedings regarding supply of the requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

(Madhuresh Prasad, J)

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