

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35442 of 2023

Arising Out of PS. Case No.-46 Year-2023 Thana- MANIHARI District- Katihar

1.

SHARWAN MAHTO @ SHRAWAN MAHTO son of Ram Naresh Mahto Village- Maraline Ward No-2, PS- Manihari Dist- Katihar.
2.

Mukesh Kumar Singh son of Ramjee Singh Village- Rampur Diyara Ward no-10, PS- Muffasil, Dist- Sahebganj Jharkhand.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Raghvendra Kumar Singh
For the Opposite Party/s : Mr.Dr. Kumar Uday Pratap

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

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14-06-2023

Heard learned counsel for the petitioners and learned A.P.P. for the State.

The petitioners seek bail in connection with Manihari P.S. Case No. 46/2023 and G.R. No. 1234/2022 registered for the offences punishable under Sections 272, 273/420 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act.

As per prosecution case, there is alleged recovery of total 210 liters Tari from two motorcycles in question. Petitioners were apprehended on the spot.

Learned counsel for the petitioners submits that petitioners are innocent and have falsely been implicated in this



case. Nothing has been recovered from the conscious possession of the petitioners. The petitioners are languishing in custody since 07.03.2023 and bear no criminal antecedent. He further submits that there is no independent witness who has supported this allegation against the petitioners.

The learned A.P.P. for the State vehemently opposed the prayer for bail of the petitioners.

Considering the facts and circumstances of the case, period of custody, keeping in view clean antecedent of petitioners, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioners above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge, Exclusive Excise Court No.-2, Katihar in connection with Manihari P.S. Case No. 46/2023 and G.R. No. 1234/2022, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioners will co-operate in trial and will remain present on all dates and absence for two consecutive dates



without appropriate permission, would be a ground for cancellation of bail by the learned Trial Court itself.

(iii) If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Alok Kumar Pandey, J)

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