

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 44997 of 2023

Arising Out of PS. Case No.-162 Year-2023 Thana- CHHAURADANO District- East
Champaran

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RAMBALAK MAHTO S/O DEV MAHTO R/O VILLAGE- MAHANA
GANI, PS. MUFFASIL, DIST. WEST CHAMPARAN

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Abhishek Kumar, Adv.
For the Opposite Party/s : Mrs. Shaheen Begum, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 27-07-2023 1. Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Petitioner seeks bail, who is in custody since
31.05.2023 in connection with Chhauradano P.S. Case
No.162/2023, dated 30.05.2023, for the offences punishable
under Sections 30(a), 32, 41(i) of the Bihar Prohibition and
Excise Act.

3. According to prosecution case, total 58.5 litres of
Nepali liquor has been recovered from the possession of the
petitioner.

4. Learned counsel for the petitioner submits that the
petitioner has clean antecedent and he has falsely been
implicated in the present case. He further submits that from bare



perusal of the F.I.R. as well as seizure list, it appears that nothing has been recovered from conscious possession of the petitioner rather the recovery has been made from the motorcycle in question. He further submits that altogether 58.5 litres of Nepali liquor has been recovered from the possession of the petitioner. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in custody since 31.05.2023.

5. Learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts and circumstances, 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 Exclusive Special Excise Court No.2, Motihari, East Champaran in connection with Chhauradano P.S. Case No.162/2023, 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 witnesses, 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 antecedent, 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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