

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46958 of 2023

Arising Out of PS. Case No.-46 Year-2023 Thana- AMNAUR District- Saran

BINOD MAHTO S/o Late Kripal Mahto Resident of village-Khaspatti, P.S.-
Amnour, Distt-Saran at Chapra

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vijay Kumar, Advocate
For the Opposite Party/s : Mr. Sharda Kumari, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 02-08-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Petitioner seeks bail, who is in custody since 21.05.2023 in connection with Amnour P.S. Case No. 46 of 2023, F.I.R. dated 06.03.2023 for the offences punishable under Sections 272, 273 of the Indian Penal Code and Sections 30 & 30(a) of Bihar Prohibition and Excise Act, 2016.

3. Recovery is of total 161.5 liters of country made wine from the Planni of Om Prakash Mahto.

4. Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the present case. He further submits that it appears from the F.I.R. as well as seizure list that nothing has been recovered from the conscious possession or the house of the petitioner rather the



recovery has been made from the Planni of one co-accused Om Prakash Mahto. He further submits that merely on the basis of confessional statement of co-accused person, the petitioner has falsely been implicated in the present case and petitioner has no concern at all with the alleged recovery of illicit liquor. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in custody since 21.05.2023.

5. The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner and submits that petitioner carries one criminal antecedent other than the present one.

6. Considering the aforesaid facts and circumstances, nothing has been recovered from the conscious possession of the petitioner and name of the petitioner has been transpired on the basis of confessional statement of co-accused person, 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 Special Judge Excise, Saran at Chapra in connection with Amnour P.S. Case No. 46 of 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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