

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54206 of 2023

Arising Out of PS. Case No.-89 Year-2023 Thana- SAHARGHAT District- Madhubani

PALAT MAHTO SON OF LATE KESHWAR MAHTO RESIDENT OF
VILLAGE - BHAUGACHHI, POLICE STATION - SHAHARGHAT,
DISTRICT - MADHUBANI

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bhavesh Kumar Sah, Adv.

For the Opposite Party/s : Mr. Mritunjay Kumar Nirala, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

- 2 04-09-2023 1. Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.
2. Petitioner, who is in custody since 02.07.2023 seeks bail, in connection with Saharghat P.S. Case No.89/2023, dated 01.07.2023, for the offences punishable under Sections 272, 273 IPC & Section 30(a) of Bihar Prohibition and Excise Act.
3. According to prosecution case, total 72 litres of illicit liquor has been recovered from the house 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 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 joint house property of the petitioner and there is non-compliance of Section 100 of the Cr.P.C. The petitioner is in custody since 02.07.2023.

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 2nd Additional Sessions Judge-cum-Special Judge, Excise Act, Madhubani in connection with Saharghat P.S. Case No. 89/2023, G.R. No. 1026/2023, 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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