

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57306 of 2023

Arising Out of PS. Case No.-240 Year-2023 Thana- DARBHANGA SADAR District-
Darbhanga

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GUDDU MAHTO Son of Sharwan @ Agnu Mahto @ Khakhnu Mahto
Resident of village - Balughat, P.s. - L.N.M.U (Lalit Narayan University),
Distt. - Darbhanga

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Shashank Chandra, Advocate

For the Opposite Party/s : Mr.Madhura Nand Jha, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 27-09-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since
19.04.2023 in connection with Sadar (Mabbi O.P.) P.S. Case No.
240 of 2023, F.I.R. dated 08.04.2023 for the offences punishable
under Sections 30(a) of the Bihar Prohibition and Excise Act.

3. The case relates to recovery is of 456 liters of illicit
liquor.

4. Learned counsel for the petitioner submits that
petitioner is innocent and he has falsely been implicated in the
present case due to previous criminal antecedent of the
petitioner of the similar nature. Further submits that it appears
from the FIR as well as seizure list that no incriminating article



has been recovered from the possession of the petitioner, rather recovery has been made from the vehicle in question and petitioner is neither the owner nor the driver of vehicle in question. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in custody since 19.04.2023. Learned counsel for the petitioner further submits that petitioner has remanded in all the cases one-by-one only to harass the petitioner and in almost all cases petitioner has not apprehended at the place of the occurrence.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner on the ground that although nothing has been recovered from the possession of the petitioner, petitioner has fled away from the place of occurrence and apart from the aforesaid petitioner carries sixteen criminal antecedent other than the present one.

6. Considering the aforesaid facts and circumstances and period of custody, 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 Judge, Ist, (Excise Act), Darbhanga in connection with Sadar (Mabbi O.P.) P.S.



Case No. 240 of 2023 , subject to the following conditions:-

i. 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.

ii. 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.

iii. 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)

Prakash Narayan

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