

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58647 of 2022

Arising Out of PS. Case No.-78 Year-2020 Thana- MANSAHI District- Katihar

Bijay Kumar Mahto @ Vijay Kumar Mahto Son of Heera Lal Mahto R/O-
Pandepur, P.S.- Karandigghi, Distt.- Uttar Dinajpur (W.B.)

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar Singh, Advocate

For the Opposite Party/s : Mr. Kanhaiya Kishore-(APP-100)

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 04-01-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner seeks bail in a case registered for the offences punishable under Section 30(a) of Bihar Prohibition and Excise Act.

Recovery is of total 170.250 liters of foreign liquor.

Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that the recovery has been made from the vehicle in question and not from petitioner's possession and petitioner was not apprehended on the spot. He further submits that petitioner has no concern at all with the alleged recovery of illicit liquor or the vehicle in question. He further submits that the name of the petitioner has



been transpired on the basis that he is the owner of the vehicle in question. The petitioner is in custody since 23.08.2022.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.

Considering the aforesaid facts and circumstances, petitioner has clean antecedent and nothing has been recovered from the conscious possession of the petitioner and name of the petitioner has been transpired on the basis of that he is the owner of the vehicle in question, 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 Court below where the case is pending in connection with Mansahi P.S. Case No. 78 of 2020, 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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