

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62884 of 2023

Arising Out of PS. Case No.-4 Year-2023 Thana- LALIT NARAYAN UNIVERSITY District-
Darbhanga

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BALRAM KUMAR MAHTO @ BALRAM MAHTO S/o- DAYAL MAHTO
@ DASHRATH MAHTO Village- Balughat Macharhatta Ps- Mithila
Vishshwavidyalaya Dist- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Swetang Sinha, Adv.

For the Opposite Party/s : Mr.Surendra Prasad Singh, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 28-11-2023 Learned counsel for the petitioner has filed

supplementary affidavit across the Board, which is kept on

record.

2. Learned counsel for the petitioner submits through

supplementary affidavit that father's name of petitioner has

wrongly been typed in cause title of bail petition as Khakhanu

Mahto and it should be corrected as Dayal Mahto @ Dashrath

Mahto. He also seeks permission to correct the father's name of

petitioner in cause title of bail petition.

3. In the aforesaid circumstance, learned counsel for

the petitioner is permitted to make necessary correction in

father's name of petitioner, mentioned in cause title of bail

petition.



4. Heard learned counsel for the petitioner and learned A.P.P. for the State.

5. The petitioner seeks bail in connection with LNMU P.S. Case No. 04 of 2023 registered for the offences punishable under Section 30(a) of Bihar Prohibition and Excise (Amendment) Act, 2018.

6. As per prosecution case, 1620 litre Nepali Saufi wine was recovered from the pickup van in question. It is further alleged that driver of the said pickup van raised alarm by calling out the name of petitioner and other to escape from the place of occurrence and on the basis of said voice, petitioner and other jumped from the said vehicle and fled away and on the basis of said voice, name of petitioner came into fore.

7. Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence as alleged in the FIR and he has falsely been implicated in this case on the basis of suspicion. Learned counsel for the petitioner further submits that petitioner was arrested in Vishwavidyalaya P.S. Case No. 135 of 2023 on 07.05.2023 and after that he was remanded in the present case on 30.05.2023 and since then he is in custody, as same is evident from the impugned order. Petitioner bears criminal antecedent of four cases. He further



submits that petitioner is not apprehended on the spot. No incriminating article has been recovered from conscious possession of the petitioner. Vehicle in question does not belong to the petitioner. Seizure list has not been made as per law. Learned counsel for the petitioner orally submits that charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence.

8. The learned A.P.P. for the State opposes the prayer for bail of the petitioner.

9. Considering the facts and circumstances of the case, period of custody, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge (Excise)-2nd, Darbhanga in connection with LNMU P.S. Case No. 04 of 2023, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain



present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

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