

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61396 of 2022

Arising Out of PS. Case No.-125 Year-2021 Thana- MUSRIGHRARI District- Samastipur

Vijay Mahto, Son of Sitaram Mahto Resident of Village- Kamopur, P.S-
Khanpur, District- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dharendra Kumar

For the Opposite Party/s : Mr. Pradeep Narain Kumar

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 20-01-2023 Heard Ld. counsel for the petitioner and Ld. APP
for the State.

The petitioner seeks bail in connection with
Musarigharari P. S. Case No. 125 of 2021, registered for
the offences punishable under Sections 30(A), 36 and 41(1)
of the Bihar Prohibition and Excise Act, 2016.

As per allegation, 1933.560 litres of liquor was
recovered from a truck bearing Registration No. UP16ET-
2136.

Ld. counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in this
case. He further submits that nothing has been recovered



from the conscious possession of the petitioner. He also submits that the petitioner is not named in the F.I.R. and he has been implicated in this case only on the basis of suspicion. He further submits that some of the co-accused persons have already been enlarged on bail by different Benches of this Court *vide* orders dated 22.07.2022, 12.08.2022 and 29.08.2022, passed in Cr. Misc. No. 70820 of 2021, Cr. Misc. No. 26632 of 2022 and Cr. Misc. No. 43275 of 2022, respectively.

He further submits that the petitioner has been languishing in jail since 18.08.2022.

It has also been stated in paragraph no. 3 of the bail petition that the petitioner has no criminal antecedents.

It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved this Court earlier either for anticipatory bail or regular one.

However, Ld. APP for the State vehemently opposes the prayer of the petitioner for bail.

Considering the aforesaid facts and circumstances, this application is allowed, directing the petitioner, above-



named, to be enlarged on bail on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Ld. Additional Sessions Judge cum Special Excise Court -1, Samastipur, in connection with Musarigharari P. S. Case No. 125 of 2021 on the following conditions:

(i) The petitioner will make himself available for interrogation by a police officer/court as and when required.

(ii) The petitioner will undertake that investigation/trial will not hamper on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The petitioner shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court below that the petitioner has any criminal antecedents, Ld. court below shall cancel the bail bonds of the petitioner after



hearing him and getting satisfied that the petitioner has concealed his criminal antecedents despite his knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, Ld. court below shall cancel the bail bonds of the petitioner.

Ld. counsel for the petitioner is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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