

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61941 of 2022

Arising Out of PS. Case No.-285 Year-2020 Thana- BIBHUTIPUR District- Samastipur

Bechan Mahto @ Sunil Kumar @ Sunil Kumar Mahto @ Sumit Kumar
Mahto, aged about 35 years, male, Son of Kumkum Mahto @ Kunkun Mahto
Resident of village Alampur Kodaria, P.S- Bibhutipur, Dist- Samastipur

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Abhay Shankar Singh, Adv.
For the State : Mr. Manoj Kumar, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 06-01-2023 This matter has been taken up today for consideration through
video conferencing.

Heard learned counsel for the petitioner and the learned APP
for the State.

The petitioner seeks bail in connection with Bibhutipur PS
Case No. 285 of 2020, registered for the offence punishable under
Sections 272 and 273 of the Indian Penal Code and Section 30(a) of
the Bihar Prohibition and Excise Act, 2016 and Sections 25(1-B)a, 26
and 35 of the Arms Act.

4410 liters of illicit liquor has been recovered from a truck
and 90 liters from a Bolero. Petitioner is stated to be one of the three
persons fleeing away at the time of recovery.

It is submitted that petitioner has been falsely implicated in
this case on the basis of statement of co-accused *Sanjay Kumar*
Bharti regarding his complicity. The statement has been recorded in



police custody. Based on such allegation made by co-accused, the petitioner is in custody since 19-08-2022. The petitioner has four criminal antecedents, as per disclosure made in para 3 of the bail petition. Upon his implication in one case, he has been remanded in three other cases; in some of these cases he is on bail.

Learned APP for the State has opposed the prayer for bail.

Considering the rival submissions, this Court, for the purposes of grant of bail, is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail of the petitioner is allowed.

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 Special Judge (Excise Act) Special Excise Court No.1, Samastipur, in connection with Bibhutipur PS Case No. 285 of 2020, subject to the following conditions:-

- (i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.
- (ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

This Court would expect that the petitioner's counsel would honour his undertaking in the instant proceedings regarding supply of the requisite court fee etc. within two weeks from the date



he is called upon to do so by the office.

(Madhuresh Prasad, J)

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