

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65462 of 2023**

Arising Out of PS. Case No.-263 Year-2021 Thana- KHARIK District- Bhagalpur

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VISHWANATH MAHTO SON OF JAIPAL MAHTO VILL-BASADIH PS-
RAJARAPPA DIST-RAMGARH JHARKHAND.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Praveen Kumar, Adv.

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

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**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

2 06-10-2023 Heard Mr. Praveen Kumar, learned counsel for the

petitioner and Mr. Nand Kumar, learned Additional Public

Prosecutor for the State.

2. The petitioner is seeking regular bail in connection
with Kharik P.S. Case No. 263 of 2021(G.R. No. 1592 of 2021),
FIR dated 09.11.2021, registered for offence punishable under
Sections 30(a), 36, 41(A) of Bihar Prohibition and Excise
(Amendment) Act, 2018.

3. Recovery is of 2571 litres of foreign liquor.

4. Earlier the petitioner was granted regular bail by
this Court in Cr. Misc. No. 72356 of 2021, vide order dated
11.03.2022, but due to lack of proper *pairvi*, the bail bond of the
petitioner was cancelled on 03.01.2023 and he was arrested on
21.07.2023.



5. Learned counsel for the petitioner submits that due to some communication gap, the bail bond of the petitioner was cancelled and he is under custody since 21.07.2023. The petitioner undertakes that in future, he will appear each and every date fixed by the learned trial court and as per instruction, now the charge has been framed against the petitioner and other accused persons on 23.09.2023.

6. Learned APP for the State, on the other hand, has vehemently opposed the prayer for bail of the petitioner.

7. Considering the above-mentioned facts and circumstances, let the petitioner above-named be released on bail on furnishing bail bonds of Rs.10,000/- (ten thousand rupees) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Judge-I, Bhagalpur in connection with Kharik P.S. Case No. 263 of 2021(G.R. No. 1592 of 2021), 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/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled 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.

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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