

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2692 of 2023

Arising Out of PS. Case No.-123 Year-2019 Thana- BIBHUTIPUR District- Samastipur

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BECHAN MAHTO @ SUNIL MAHTO @ SUNIL KUMAR MAHTO S/O
KUMKUM MAHTO @ KUNKUN MAHTO, Resident of village- Alampur
Kodaria, Ward No- 2, P.S.- Bibhutipur, District- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Abhay Shankar Singh

For the Opposite Party/s : Mr.Narendra Kumar Singh

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**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

2 04-05-2023 The learned counsel for the petitioner is directed to

remove all the defects pointed out by the office within one

month.

Heard the learned counsel for the petitioner as well as
the learned Additional Public Prosecutor for the State.

The petitioner is seeking regular bail in connection
with Bibhutipur P.S. Case No. 123 of 2019, registered for
offence punishable under Sections 272, 273 of the Indian Penal
Code and Section 30(a) of the Bihar Prohibition and Excise Act.

As per allegation, 288 litres of liquor was recovered
from the *Phuskar* of the petitioner.

The learned counsel for the petitioner has submitted
that there is no independent witnesses and the petitioner is under



custody for more than eight months merely on the basis of his criminal antecedent.

Considering the above-mentioned facts and circumstances as well as the period of incarceration, 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 Special Excise Court-I, Samastipur in connection with Bibhutipur P.S. Case No. 123 of 2019, subject to the following conditions:-

(i) The petitioner shall cooperate in the disposal of trial and make himself available as and when required by the court.

(ii) At the time of furnishing bail bond, the petitioner shall file an affidavit to the effect that he shall not indulge himself in future in the similar type of offence. If it is found so, the prosecution will have liberty to file an application before the court below for cancellation of the bail of the petitioner and the learned court below will take decision in accordance with law.

(iii) The petitioner shall remain present physically before the court below on each and every date till framing of the charge and if it is found the



petitioner is involved in any other cases except the present one and the cases mentioned in paragraph 3 of the bail petition, the learned court below shall be at liberty to cancel his bail bond.

(Nawneet Kumar Pandey, J)

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