

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4262 of 2024

Arising Out of PS. Case No.-98 Year-2023 Thana- WARISNAGAR District- Samastipur

Om Prakash Mahto S/O BAIDYANATH MAHTO @ VAIDHNATH MAHTO
VILLAGE- PURNAHI, PS. WARISNAGAR, DIST. SAMASTIPUR.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mahendra Pratap

For the Opposite Party/s : Mr.Suresh Prasad Singh

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 01-02-2024 Heard learned counsel for the petitioner and
learned A.P.P. for the State.

The petitioner seeks bail in connection with Warisnagar P.S. Case No. 98 of 2023 registered for the offences punishable under Sections 30(a) of the Bihar Prohibition and Excise (Amendment) Act.

As per prosecution case, informant got secret information that petitioner and others had brought huge consignment of liquor and they were unloading the said liquor from truck to a pick up vehicle and on receipt of such information, informant and others proceeded and during course of search total 6633.36 litre foreign liquor was recovered from the truck and pick up vehicle in question.

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. It is further submitted that petitioner is neither driver nor owner of any of the vehicles in question and he has no knowledge about the alleged recovery. Petitioner was not apprehended on spot. Basically no incriminating article has been recovered from conscious possession of the petitioner. The name of the petitioner has transpired in this case merely on basis of suspicion. Except suspicion, there is nothing on record to connect the present petitioner with the alleged occurrence. Petitioner is in custody since 07.12.2023. Petitioner bears criminal antecedent of four cases.

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

Considering the facts and circumstances of the case, period of custody, petitioner was not apprehended on spot, 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 Court-II, Samastipur in connection with Warisnagar P.S. Case



No. 98 of 2023, subject to the 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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