

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18996 of 2024

Arising Out of PS. Case No.-379 Year-2022 Thana- TEGHRHA District- Begusarai

Harishchandra Mahton @ Harishchandra Kumar S/o Bishundev Prasad Singh
@ Bishundev Mahton @ Bishundev Singh R/o vill - Motipur, P.S. - Tajpur,
Distt. - Samastipur, At present R/o vill - Fatehpur, ward no. 2, P.s. - Musri
Gharari, Distt. - Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mrs. Namita Sharma, Advocate
	:	Mr. Anshu Dhar Sharma, Advocate
	:	Mr. Rambabu Yadav, Advocate
For the Opposite Party/s	:	Mr. Kumar Ranjit Ranjan, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 27-03-2024 Heard Mrs. Namita Sharma, learned counsel for the

petitioner and Mr. Kumar Ranjit Ranjan, learned A.P.P. for the

State.

2. The petitioner seeks bail, who is in custody since
17.01.2024 in connection with Teghra P.S. Case No. 379 of
2022, F.I.R. dated 20.12.2022 registered for the offence
punishable under Sections 30(a), 32(i), (ii), 36/41 of Bihar
Prohibition and Excise Act.

3. Recovery is of 3184.920 liters of foreign wine.

4. Learned counsel appearing for the petitioner
submits that the petitioner has falsely been implicated in the
present case on the basis of the confessional statement of co-
accused person, namely, Vinay Paswan, who is driver of the



vehicle in question and it appears from the FIR as well as the seizure list that nothing has been recovered from conscious possession of the petitioner rather the recovery has been made from the Truck in question and the petitioner is neither the driver nor the owner of the Truck in question and except the confessional statement of co-accused person, no other cogent material has come during investigation against the petitioner to suggest the involvement of the petitioner in the present occurrence and the co-accused person, namely, Vinay Paswan, who is driver of the truck in question, has been granted bail by a Coordinate Bench of this Hon'ble Court vide order dated 29.04.2023 passed in Cr. Misc. No. 4781 of 2023 and the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 17.01.2024.

5. Learned APP for the State has opposed the prayer for bail of the petitioner and submits that the petitioner carries eighteen more cases other than the present one but he fairly submits that the petitioner is on bail in all the cases, as mentioned in para-3 of the bail petition.

6. Considering the aforesaid fact, 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 learned Exclusive Special Judge, Excise-1st, Begusarai in connection with Teghra P.S. Case No. 379 of 2022, with the following conditions:-

(I) 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 cancelled by the Court below.

(II) 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.

(III) 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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