

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 25067 of 2024

Arising Out of PS. Case No.-90 Year-2021 Thana- BIBHUTIPUR District- Samastipur

Pawan Kumar Mahto @ Pawan Kumar Son Of Ram Bali Mahto @ Ram Bali Singh Resident Of Village- Virsahaiya, Ward No. 07, PS- Vibhutipur, Dist- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bindeswari Singh, Advocate

For the Opposite Party/s : Mr. Ram Naresh Ray, APP

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR

ORAL ORDER

3 19-04-2024 Heard Ld. counsel for the petitioner and Ld. APP for
the State.

2. The petitioner seeks regular bail in connection with Bibhutipur / Vibhutipur / Bivutipur P. S. Case No. 90 of 2021 dated 21.03.2021, registered for the offences punishable under Sections 272 and 273 of the Indian Penal Code and Section 30(a) of the the Bihar Prohibition and Excise Act, 2016.

3. As per allegation, total 3960.720 litres of foreign liquor has been recovered from two vehicles.

4. Ld. counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. He further submits that nothing has been recovered from the conscious possession of the petitioner. He also submits that search and seizure has not been made as per the procedure as prescribed under Cr.P.C. He further submits that other co-accused namely Raja Kumar has already been enlarged on bail



by this Court vide order dated 10.05.2023, passed in Cr. Misc. No. 21378 of 2023.

5. He further submits that the petitioner has been languishing in jail since 23.01.2024.

6. It has also been stated in paragraph no. 3 of the bail petition that the petitioner has earlier been made accused in three other cases and in all the three cases he is on bail.

7. It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved this Court earlier either for anticipatory bail or regular one.

8. However, Ld. APP for the State vehemently opposes the prayer of the petitioner for bail.

9. Considering the aforesaid facts and circumstances, **this application is allowed**, directing the petitioner, above-named, to be enlarged on bail on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Ld. Special Excise Court-I, Samastipur, in connection with Bibhutipur / Vibhutipur / Bivutipur P. S. Case No. 90 of 2021 on the following conditions:

(i) The petitioner will make himself available for interrogation by a police officer/court as and when required.

(ii) The petitioner will undertake that



investigation/trial will not get hampered on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The petitioner shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court below that the petitioner has criminal antecedents other than the disclosed one, Ld. court below shall cancel the bail bonds of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedents despite his knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, Ld. court below shall cancel the bail bonds of the petitioner.

(vi) In case, the petitioner repeats offence of similar nature after enlargement on bail, his bail-bond will be cancelled by the court below.

(Jitendra Kumar, J.)

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