

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2643 of 2024

Arising Out of PS. Case No.-278 Year-2023 Thana- BAIKUNTHPUR District- Gopalganj

Pawan Mahto, son of Satan Mahto Village- Pipra, P.S. Baikunthpur, District-
Gopalganj

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sachina

For the Opposite Party/s : Mr.Lakshmi Kant Sharma

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 31-01-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Baikunthpur P.S. Case No. 278/2023 lodged on 08.08.2023
under Section 30(a) Bihar Prohibition and Excise Act, 2018.

3. As per the prosecution case, the FIR has been
lodged against 4 named accused persons including the
petitioner. Recovery 350 litres of spirit is the subject matter of
the present case.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence. From the
seizure list, it transpires that the alleged recovery of spirit has
been made from an open place, which does not belong to the
petitioner. The petitioner is in custody since 22.11.2023 and is



accused in seven more criminal cases, but in all the cases, he has been granted bail. He further submits that similarly situated co-accused have been granted bail vide order dated 19.10.2023, passed in Criminal Miscellaneous No. 67704/2023.

5. Learned counsel for the State opposes the prayer for bail and submits that the antecedent of the petitioner is not clean as he is accused in seven more criminal cases. Out of seven cases, four cases have been lodged under the provisions of the Excise Act.

6. In the present facts and circumstances of this case and the submissions made above, let the petitioner above named be released on bail, on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-II-cum-Special Judge Excise-1, Gopalganj, in connection with Baikunthpur P.S. Case No. 278/2023, subject to the conditions as laid down under Section 437(3) of the Code of Criminal Procedure with other following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his *bona fide*;

(ii) the petitioner shall appear on each and every date



before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bonds by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every month for one year to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of the bail bonds; and

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

7. The petitioner shall be released on bail only after framing of charge, if not framed as well as the trial Court on being satisfied with the affidavit to be filed by the petitioner before the trial Court to the effect that he is not absconding in any of the seven cases, as mentioned in paragraph no.3 of the bail petition, as under :-

1. Baikunthpur P.S. Case No. 246/2020.
2. Baikunthpur P.S. Case No. 296/2020.
3. Baikunthpur P.S. Case No. 315/2020.
4. Baikunthpur P.S. Case No. 325/2019.



- 5. Mohammadpur P.S. Case No. 154 of 2018.
- 6. Baikunthpur P.S. Case No. 77/2019.

(Dr. Anshuman, J)

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