

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.87464 of 2024

Arising Out of PS. Case No.-610 Year-2022 Thana- TAJPUR District- Samastipur

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LAL BABU MAHTO @ LALA MAHTO S/O YOGENDRA MAHTO
Resident of Village- Manpura Police Station- Bangara (Tajpur N.H.) District-
Samastipur

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Nilendu Kumar Choudhary

For the Opposite Party/s : Mr.Pronoti Singh

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 13-12-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with Tajpur P.S.
Case No. 610 of 2022 registered for the offences punishable under
Sections 272, 273, 420, 467, 468, 471, and 34 of the IPC and Section
30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2022.

3. As per prosecution case, 501.84 liter foreign liquor was
recovered from the container truck in question. Apprehended co-
accused Kishor Singh and Mukesh Kumar disclosed the name of
petitioner and other who were involved in the business of illicit
liquor.

4. Learned counsel for the petitioner submits that
petitioner is in custody 26.10.2024 and bears criminal antecedent of
thirteen cases in which he is on bail in all cases. He further submits



that petitioner has been implicated in one case after another in a routine manner without any basis. Petitioner has been made victim of the circumstances and he has nothing to do with the alleged occurrence. He further submits that nothing has been recovered from the conscious possession of the petitioner. Learned counsel submits that petitioner is not the owner of the container truck in question. Except disclosure of co-accused, there is nothing on record to connect the petitioner with the alleged occurrence. Petitioner is quite innocent and he has falsely been implicated in the case. He further submits that petitioner is not apprehended on the spot. It is further submitted that co-accused, Kishor Singh, has already been granted bail by this Court vide Cr. Misc. No. 11938 of 2023 and the case of present petitioner stands more or less on similar footing.

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

6. Considering the facts and circumstances of the case, period of custody, co-accused has already been granted bail, 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)-02, Samastipur in connection with Tajpur P.S. Case No. 610 of 2022, subject to following conditions:-



(i) One of the bailors shall be either father or mother or sister or brother or wife of 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.

(iv) Petitioner shall furnish mobile number at the time of furnishing bail bond and the said mobile number shall continue in operating condition till disposal of the case and he shall get his presence marked before the officer-in-charge of the concerned police station on the first Tuesday of every month.

(v) Petitioner shall not leave the territorial jurisdiction of the concerned trial court without appropriate permission of the court concerned.

(vi) However, if petitioner violates any of the conditions, the concerned court is at liberty to cancel the bail bond of the petitioner.

(Alok Kumar Pandey, J)

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