

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28832 of 2025

Arising Out of PS. Case No.-68 Year-2022 Thana- GOPALPUR District- Gopalganj

Chandan Mahto, Son of Banka Mahto @ Banka Prasad, Resident of Vill.-
Ugrasen Maharani, P.S.- Mohammadpur, Dist.- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Natraj Verma, Advocate

For the Opposite Party/s : Mr. Sanjay Kumar Sharma, Advocate

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 09-05-2025 Heard learned counsel appearing on behalf of the
petitioner and the learned APP for the State.

2. The petitioner seeks regular bail, who is in custody
in connection with Trial No. 2951 of 2025 arising out of
Gopalpur P.S. Case No. 68 of 2022 registered for the offence
punishable under Sections 30(a) of the Bihar Prohibition and
Excise Act, 2016.

3. Learned Advocate for the petitioner contended that
considering the nature of allegation and the materials available
on record earlier the prayer for bail of the petitioner came to be
allowed by this Court vide order dated 03.08.2022 passed in
Criminal Miscellaneous No. 27025 of 2022 with condition *inter*
alia that the petitioner shall remain present on each and every
date of trial till disposal of the case and in the event of two



consecutive dates, without any cogent reason his bail bonds liable to be cancelled. It is the contention of the petitioner that on account of non-communication, the petitioner could not attend the date fixed in case, in the meanwhile the bail bond of the petitioner came to be cancelled, consequent thereupon, the petitioner himself surrendered on 19.03.2025 and made a prayer for bail. However, the prayer for bail of the petitioner was rejected, hence the present bail application.

4. On the other hand, learned APP for the State vehemently opposes the bail application and submits that the petitioner has failed to abide by the terms and condition of this Court as was imposed in the last occasion.

5. Regard being had to the submissions made on behalf of the parties and considering the aforementioned submissions as also the fact that the petitioner himself surrendered and now he has been incarcerated since 19.03.2025 and undertakes before this Court that he will fully cooperate in the proceeding of the Court, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge-IV cum Special Excise Court No. II, Gopalganj in connection with Trial No. 2951 of 2025 arising out of Gopalpur P.S. Case No. 68 of 2022,



subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) 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 immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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