

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.34013 of 2018

Arising Out of PS. Case No.-109 Year-2018 Thana- GOVERNMENT OFFICIAL COMP.
District- Sitamarhi

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Vipin Mahto @ Vipin Mahro, son of late Chandreshwar Mahto, resident of
Village- Jagdar, P.S. Parihar, District- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Hans Lal Kumar
For the Opposite Party/s : Mr. Sri Rajballabh Singh

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 06-06-2018 Heard learned counsel for the petitioner and the
counsel appearing on behalf of the State.

Petitioner is in custody in connection with Case No.
C2-109/18 registered under section 30(A) of the Bihar
Prohibition and Excise Act, 2016.

Learned Counsel for the petitioner submits that the
petitioner has no criminal antecedent. He was arrested on
18.02.2018 and by now he has completed more than three and
half months.

Learned Counsel appearing on behalf of the State
vehemently opposed prayer for bail on the ground that petitioner
was arrested alongwith 36 liters of Nepali wine. He submits that
in view of the above, the petitioner does not deserve bail.



Considering the fact that petitioner has no criminal antecedent and there is presumption as to the innocence unless contrary is proved. Bail is rule and rejection of bail is exception. While rejecting the bail the Court has to keep in mind that the rejection of bail should not be a substitute for punishment.

In view of the above the court is not inclined to accept the submission advanced on behalf of the State, opposing the prayer for bail since petitioner has no criminal antecedent he has remained in custody for more than three months by that time and as such the entire purpose of keeping the petitioner behind the bar has now completed as after submission of charge-sheet there is no apprehension of influencing investigation.

Considering the above, the court is inclined to enlarge the petitioner on bail, let the petitioner, named above, be enlarged 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 A.D.J.-II-cum-Special Judge, Excise Act, Sitamarhi, in connection with Case No. C2/109/18.

(Anil Kumar Upadhyay, J)

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