

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70423 of 2019**

Arising Out of PS. Case No.-34 Year-2019 Thana- BIBHUTIPUR District- Samastipur

Shankar Mahto, Son of Fekan Mahto, Resident of Alampur, P.S.- Vibhutipur,
District- Samastipur, Bihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Daya Shankar Prasad Sinha
For the Opposite Party/s : Mr.Satyendra Prasad

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

3 12-12-2019 Learned counsel for the petitioner is permitted to

make correction in the index with regard to the provision under

which the application has been filed.

Heard learned counsel for the petitioner and learned
counsel representing the State.

The petitioner in the present case is seeking regular bail
in connection with Vibhutipur P.S. Case No.34 of 2019 registered
for the offence punishable under Sections 272 and 273 of the
Indian Penal Code and Section 30(a) of the Bihar Prohibition and
Excise Act, 2016.

Learned counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in this case.
Learned counsel submits that there is no recovery from the
conscious possession of the petitioner.



Learned APP has opposed the prayer for bail.

Considering the facts and circumstances of the case wherein it is the submission of learned counsel for the petitioner that 21 liters of illicit liquor has been allegedly recovered from the house of the petitioner which is in joint possession of the joint family and it cannot be said to be a conscious possession of the petitioner and further submission that the petitioner has remained in custody since 20.08.2019, the similarly situated co-accused have been granted privilege of regular bail and the investigation against the petitioner is complete, he has no criminal antecedent, let the petitioner above named be released on bail on furnishing bail bond of Rs. 15,000/- (fifteen thousand) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge-II-cum-Special Judge, Excise Act, Samastipur in connection with Vibhutipur P.S. Case No.34 of 2019, subject to the condition as laid down under Section 437 (3) Cr.P.C. as under:

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected, and

(c) that such person 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 or tamper with the evidence.

(Rajeev Ranjan Prasad, J)

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