

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 19913 of 2020**

Arising Out of PS Case No.-238 Year-2018 Thana- JALALPUR District- Saran

=====

Ram Babu Mahto, aged about years, Male, Son of Heera Mahto, Resident
of Village - Doeila, P.S.- Isuapur, District- Saran at Chhapra.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Alok Kumar Alok, Advocate

For the State : Mr. Md. Arif, APP

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**CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH**

ORAL JUDGMENT

Date : 02-07-2020

The matter has been heard *via* video conferencing due
to circumstances prevailing on account of the COVID-19
pandemic.

2. Heard Mr. Alok Kumar Alok, learned counsel for the
petitioner and Mr. Md. Arif, learned Additional Public Prosecutor
(hereinafter referred to as the ‘APP’) for the State.

3. The petitioner is in custody in connection with
Jalalpur PS Case No. 238 of 2018 dated 21.12.2018 instituted
under Sections 272, 273, 420, 467, 468, 471, 188/34 of the Indian



Penal Code and 30, 30(a) and 41 of the Bihar Prohibition and Excise Act, 2016.

4. The allegation against the petitioner is that 5400 litres of liquor seized was meant to be delivered to him and four other persons.

5. Learned counsel for the petitioner submitted that co-accused Sushil Kumar Singh and Kamalkishore Rai @ Kamalkishore, who were caught and on whose confessional statement the petitioner has been implicated have been granted bail on 25.01.2019 in Cr. Misc. No. 3899 of 2019 and Cr. Misc. No. 9435 of 2019 dated 18.02.2019, respectively. It was further submitted that co-accused Raj Kumar Singh and Nanaki Singh @ Nanaki Baba, who are said to be the persons who had called the arrested persons, have also been granted bail on 23.05.2019 in Cr. Misc. No. 20181 of 2019. Learned counsel submitted that nothing has been recovered from the petitioner and only on the vague statement that it was the petitioner and four others for whom the liquor was been brought, he has been implicated in the case. Learned counsel submitted that the petitioner has no other criminal antecedent and is in custody since 12.02.2020.

6. Learned APP submitted that huge amount of liquor has been recovered. However, he did not controvert the fact that



the only allegation against the petitioner is that the liquor had been brought for him and four other persons and that there has not been any recovery from him.

7. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail upon furnishing bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned 2nd Additional Sessions Judge-cum-Special Judge, Excise Act, Saran at Chapra in Jalalpur PS Case No. 238 of 2018 subject to the conditions (i) that one of the bailors shall be a close relative of the petitioner, (ii) that the petitioner and the bailors shall execute bond with regard to good behaviour of the petitioner, and (iii) that the petitioner shall also give an undertaking to the Court that he shall not indulge in any criminal activity, tamper with the evidence or influence the witnesses. Any violation of the terms and conditions of the bonds or the undertaking shall lead to cancellation of his bail bonds. The petitioner shall cooperate in the case and be present before the Court on each and every date. Failure to cooperate or being absent on two consecutive dates, without sufficient cause, shall also lead to cancellation of his bail bonds.



8. The application stands disposed off in the
aforementioned terms.

(Ahsanuddin Amanullah, J.)

P. Kumar/Anand Kr.

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