

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.30458 of 2020**

Arising Out of PS. Case No.-26 Year-2020 Thana- BIBHUTIPUR District- Samastipur

KARI MAHTO @ KRISHNA KUMAR MAHTO S/o Late Satya Narayan
Mahto @ Sohjan Mahto R/o Vill.-Singhiya Ghat, P.S.-Bibhutipur/Vibhutipur,
Distt.-Samastipur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

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

For the Opposite Party/s : Mr. Jainul Abedin, APP

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

2 23-11-2020 Learned counsel for the petitioner undertakes to
remove all the defects as pointed out by office within four
weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

Petitioner in the present case is seeking regular bail in
connection with Bibhutipur/Vibhutipur P.S. Case No. 26 of 2020
registered for the offences punishable under Section 272, 273 of
the Indian Penal Code and under Section 30(a) of Bihar
Prohibition and Excise Act and Section 25(1-b)a, 26, 35 of the
Arms Act.

Learned counsel for the petitioner has submitted from
the First Information Report that on confidential information, in
presence of local chowkidar, the search was made in the joint



house of the petitioner and found 1222.500 liters of foreign liquors covered with plastic cover and also found one country made pistol loaded with two live cartridge and one blank magazine.

Learned counsel for the petitioner submitted that petitioner was arrested on the allegation that illicit liquors were found in the house of the petitioner, but learned counsel submits that recovery is not from the conscious possession of the petitioner and in the said house his son is residing. Recovery is from the house of son of the petitioner which is a disputed property and in respect of which a second appeal is pending before this court. Learned counsel submits that petitioner has no criminal antecedent and he is in custody since 24.05.2020.

Learned A.P.P. for the State has opposed the prayer for regular bail of the petitioner.

Having regard to the facts and circumstances of the case wherein the petitioner has been arrested on the allegation that illicit liquors were found in the house of the petitioner but it is his submission that the recovery is not from the conscious possession of the petitioner and in the said house his son is residing, recovery is from the house of son of the petitioner which is a disputed property and in respect of which a second



appeal is pending, as otherwise no criminal antecedent, the seizure list witnesses are the Chowkidar and petitioner is in custody since 24.05.2020, there being no submission on behalf of the State that his release at this stage is likely to result in tampering with the evidence or interfering with the course of trial, let the petitioner above named be released on bail on furnishing of bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Additional Special Judge, Excise, or Successor Court, Samastipur, in connection with Bibhutipur/Vibhutipur P.S. Case No. 26 of 2020, 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.



And further condition that 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 step for cancellation of bail bond of the petitioner.

And further condition that he will abide by and observe the guidelines and directives of the Government of India and the State Government with regard to COVID-19 Pandemic.

(Rajeev Ranjan Prasad, J)

Rajeev/-

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

