

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79290 of 2019

Arising Out of PS. Case No.-145 Year-2019 Thana- KHANPURA District- Samastipur

BHOLA MAHTO Son of Ram Narayan Das @ Rajendra Mahto Resident of
Village-Madhu Tol, P.S-Khanpur, District-Samastipur.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

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

For the Opposite Party/s : Mr.Rana Randhir Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 16-01-2020 Heard learned counsel for the petitioner and learned APP
for the State.

The petitioner in this case is seeking regular bail in connection with Khanpur P.S. Case No. 145 of 2019 registered for the offences punishable under Sections 272, 273 of the Indian Penal Code and Section 30(a) of Bihar Prohibition & Excise Act.

Learned counsel for the petitioner submits that the petitioner has has been apprehended only on the basis of suspicion and nothing has been recovered from his conscious possession. It is submitted that the petitioner has no concern with the truck and bolero vehicles from which the alleged recovery of illicit liquor has been made. Learned counsel for the petitioner submits that co-accused Prem Kumar and Shyam Kumar have been allowed regular bail by learned co-ordinate Benches of this Court and the petitioner is in custody since 20.10.2019 having no criminal antecedent and investigation against him is complete.



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

Considering the facts and circumstances of the case wherein it is the submission of learned counsel for the petitioner that the alleged recovery of illicit liquor is from a truck and a bolero which was standing at the place of occurrence and that this petitioner has been arrested on mere suspicion and the petitioner has no concern with those vehicles as also that co-accused Prem Kumar and Shyam Kumar have been allowed regular bail by learned co-ordinate Benches of this Court, the petitioner has otherwise no criminal antecedent and has remained in custody since 20.10.2019, investigation against him is complete, let the petitioner above named be released on bail in connection with Khanpur P.S. Case No. 145 of 2019 on furnishing of bail bond of Rs. 15,000/- (fifteen thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge II-cum-Special Judge, Excise Act, Samastipur, 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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