

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13285 of 2021

Arising Out of PS. Case No.-130 Year-2020 Thana- SAHARGHAT District- Madhubani

VIKKY KUMAR @ VIKKY KUMAR MAHTO S/o- KALEWAR MAHTO
Resident of Village- Rampur Pachati, P.S.- Pupari, Distt- Sitamarhi.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Miss Kusum Rani, Adv.

For the Opposite Party/s : Mrs.Saheen Begum, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 28-06-2021 Heard learned counsel for the petitioner and learned
A.P.P. for the State through virtual court proceedings.

Learned counsel for the petitioner undertakes to remove the defects, as pointed out by the office, within four weeks of resumption of normal court proceeding. In the eventuality of non-removal of defects within undertaken period, the office will place the matter before the Bench.

The petitioner seeks bail in connection with Saharghat P.S. Case No. 130 of 2020, corresponding to G.R. No.1469 of 2020 registered for the offence punishable under Sections 272, 273/34 of the IPC and section 30(a) of the Bihar Prohibition and Excise Act.

Altogether 36 liters of nepali liquor is said to have been recovered from two motorcycles. Out of 36 litres, 18 litres is



recovered from the motorcycle of the petitioner.

It is submitted by learned counsel for the petitioner that petitioner is quite innocent and has not committed any offence as alleged in the F.I.R. No such occurrence has ever take place. It is further submitted that no incriminating article has been recovered from the conscious physical possession of the petitioner. He has no concern either with the seized liquor or the place of recovery or any trade of liquor. He has been falsely implicated in this case by the police due to dirty local politics. There is no specific allegation against the petitioner. He has no criminal antecedent as mentioned in para-3 of the present petition and has been languishing in custody since 03.10.2020.

Petitioner is agreed to deposit a sum of Rs. 5,000.00 (Rupees Five Thousand) in the PM Cares fund, bearing Account No.2121PM20202, IFSC Code: SBIN 0000691, SWIFT Code: SBININBB104, State Bank of India, New Delhi Main Branch, UPI ID : pmcares@sbi.

Having regard to the facts and circumstances of case, let the above named petitioner, be released on bail, on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge cum Special Judge-II, Excise,



Madhubani, in connection with Saharghat P.S. Case No. 130 of 2020, corresponding to G.R. No.1469 of 2020 with the following conditions:-

(1) One of the bailors will be own close relative of the petitioner who will give on affidavit genealogy as to how he is relative to petitioner. The bailor will also undertake to inform the court if there is any change in the address of the petitioner.

(2) The petitioner shall not indulge himself in any similar offence till conclusion of the trial, failing which, his bail bonds shall be liable to be cancelled by the learned court concerned.

The bail bond of the petitioner shall be accepted by the learned Court below on showing receipt of deposit of Rs.5,000.00 (Rupees Five Thousand) in the PM Cares fund.

(Anjani Kumar Sharan, J)

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