

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.13566 of 2021**

Arising Out of PS. Case No.-86 Year-2020 Thana- PARSAUNI District- Sitamarhi

Ram Daresh Mahto Son of Late Vishundeo Mahto Resident of Village - Kora
Kharagi, P.S.- Parsauni and Dist. - Sitamarhi

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

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

For the Opposite Party/s : Ms.Rina Sinha,APP

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

2 27-07-2021 Learned counsel for the petitioner undertakes to

remove all the defects pointed out by the Stamp Reporter within

four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Ms. Rina
Sinha, learned APP for the State.

The petitioner in the present case is seeking regular
bail in connection with Parsauni P.S. Case No. 86 of 2020
registered for the offences punishable under Section 30(a) of
Bihar Prohibition and Excise Act.

Learned counsel for the petitioner submits that the
allegation against the petitioner is that from his house total 85
liters of illicit liquor was recovered.

Learned counsel submits that the petitioner is
innocent and has falsely been implicated in the present case. It is

submitted that the petitioner has no concern with the recovered illicit liquor. The petitioner is in custody since 17.10.2020 having no criminal antecedent.

Learned APP 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 allegation being recovery of 85 liters of country-made wine from the house of the petitioner, however, he has remained in jail in connection with the present case since 17.10.2020, investigation against him is complete and prior to the present case he had no criminal antecedent, this Court directs release of the petitioner above named on bail on furnishing of bail bonds of Rs.25,000/- (Rupees Twenty Five Thousand Only) with two sureties of the like amount each to the satisfaction of learned A.D.J.-II cum Special Judge, Excise Act, Sitamarhi in connection with Parsauni P.S. Case No. 86 of 2020, subject to the conditions 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 is suspected, and

(c) that such persons shall not directly or indirectly make and 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. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

The application stands allowed.

(Rajeev Ranjan Prasad, J)

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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'.