

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.16170 of 2021**

Arising Out of PS. Case No.-31 Year-2020 Thana- SAHIYARA District- Sitamarhi

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NAND KISHORE MAHTO S/o Late Dhanai Mahto Resident of Village-
Matiyar Khurd, P.S.- Sahiyara, District- Sitamarhi.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

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

For the Opposite Party/s : Mr. Akhileshwar Dayal, APP

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

2 06-04-2021 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 Sahiyara P.S. Case No. 31 of 2020 registered for

the offences punishable under Section 414 of the Indian Penal

Code and Section 30(a) of the Bihar Prohibition and Excise.

Learned counsel for the petitioner submits that as per

the prosecution story, while the informant along with police party

was on patrolling duty, got secret information that the petitioner

was proceeding in a white colour car with illicit wine towards

Singrahiya. On this information, the police party reached



Singrahiya. On seeing the police, the driver fled away and the said car was searched from which a total of 108 litres Nepali Saufi Wine was recovered.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case on mere suspicion. It is submitted that nothing has been recovered from the conscious possession of the petitioner. Learned counsel submits that the petitioner has got no criminal antecedent and he is in custody since 27.09.2020.

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

Having regard to the facts and circumstances of the case, wherein this petitioner is in jail in connection with the present case since 27.09.2020, he has otherwise no criminal antecedent, investigation against him is complete and there is no submission of behalf of the State that his release at this stage on bail is likely to result in tampering with 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 A.D.J.-II-cum-Special Judge, Excise Act, Sitamarhi in connection with Sahiyara P.S. Case No. 31 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. 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.

This case stands disposed of accordingly.

(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'.

