

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.16314 of 2021**

Arising Out of PS. Case No.-338 Year-2020 Thana- DARAUNDA District- Siwan

VINOD MAHTO @ BINOD MAHTO S/O LATE DINANATH MAHTO R/o
village- Purani Bazar, Ward No. 3, Maharajganj, P.S.- Maharajganj, District-
Siwan

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Bijay Prakash Singh,Advocate

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

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

2 29-06-2021 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner in the present case is seeking regular
bail in connection with Daraunda P.S. Case No. 338 of 2020
registered for the offences punishable under Sections 272, 273
of the Indian Penal Code and Section 30(a) of Bihar Prohibition
and Excise Act, 2016.

Learned counsel for the petitioner submits that as per
the prosecution story the informant along with other police
personnel on secret information reached the alleged place of
occurrence and on seeing police party, this petitioner started
fleeing away but was apprehended and on search of his house,
total 85 liters of illicit liquor was recovered.

Learned counsel for the petitioner submits that the



petitioner is innocent and has falsely been implicated in the case. It is submitted that the alleged recovery has been made from the joint family house of the petitioner. The petitioner is in custody since 18.12.2020 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 it is the submission of learned counsel for the petitioner that the alleged recovery of liquor is from a joint family house, the petitioner has no criminal antecedent and has remained in jail in connection with the present case since 08.12.2020, investigation against him is complete but the trial is not likely to be completed in near future, this Court directs release of the petitioner 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 2nd Additional District and Sessions Judge-cum-Special Judge, Excise, Siwan in connection with Daraunda P.S. Case No. 338 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'.

