

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.18026 of 2021**

Arising Out of PS. Case No.-309 Year-2020 Thana- MOTIPUR District- Muzaffarpur

BATHU MAHTO @ RAM NARAYAN MAHTO SON OF LATE PURAN
MAHTO R/O VILLAGE- PURANI BAZAR, P.S- MOTIPUR, DIST.-
MUZAFFARPUR

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

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

For the Opposite Party/s : Mr. Shantanu Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 14-07-2021 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 Motipur P.S. Case No. 309 of 2020 registered for the offences punishable under Sections 272 and 273 of the Indian Penal Code and Sections 30(a), 41(1)(2) of the Bihar Prohibition and Excise Act, 2018.

As per the prosecution story, the informant got secret information that one Tuntun Rai is indulged in illegal trade of liquor. The informant along with his team reached at the place



of occurrence. On seeing the police the accused persons fled away but two of them were apprehended and on search total 120 litres illicit liquor was recovered from a scooty.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case on confessional statement of the co-accused. It is further submitted that nothing has been recovered from the conscious possession of the petitioner. Learned counsel submits that the petitioner is in custody since 13.12.2020 having no criminal antecedent.

Learned A.P.P. 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 recovery of the illicit liquor has been made from the scooty but the petitioner has no concern with the same, nobody has identified him fleeing away from the place of occurrence and the name of the petitioner has transpired in the confessional statement of the co-accused, however, the petitioner has otherwise no criminal antecedent and has remained in custody in connection with this case since 13.12.2020, investigation against him is complete but the trial is



not likely to take place in near future, 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 Special Judge, Excise Act, Muzaffarpur in connection with Motipur P.S. Case No. 309 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.

The application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

Rishi/-

U		T	
---	--	---	--

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’.

