

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.19404 of 2021**

Arising Out of PS. Case No.-2 Year-2021 Thana- GOVERNMENT OFFICIAL COMP.
District- Patna

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Krishna Mahto S/O Munshi Mahto R/O Vill- Ekma Rith, P.S- Ekma, Dist-
Saran

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Bishwajeet Singh,Advocate

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

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

2 16-07-2021 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 Mr.
Shyameshwar Dayal, learned APP for the State.

The petitioner in the present case is seeking regular bail in
connection with Excise Case No. 02 of 2021 registered for the
offences punishable under Section 30(a) of Bihar Prohibition and
Excise Act, 2016.

Learned counsel for the petitioner submits that total
155.765 liters of foreign liquor has been recovered from the heap of
straw behind the house of this petitioner.

Learned counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in this case. It is
submitted that the alleged place of recovery is an open field



accessible to everyone. The petitioner is in custody since 01.01.2021 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 recovery of illicit liquor is from the heap of straw behind his house and the same is open to public, the petitioner is in custody since 01.01.2021, investigation against him is complete but the trial is not likely to take place in near future, he has otherwise 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 2nd Additional Sessions Judge-cum-Special Judge, Excise in connection with Excise Case No. 02 of 2021, 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'.

