

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29526 of 2021**

Arising Out of PS. Case No.-121 Year-2020 Thana- MEDNI CHAUKI District- Lakhisarai

MUKESH MAHTO S/O MANGAL MAHTO R/O VILLAGE KHAWA
CHANDRA TOLA, P.S.-MEDINCHAUKI, DISTRICT-LAKHISARAI.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar, Adv.

For the Opposite Party/s : Mr.Md. Fahimuddin, APP

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

2 28-10-2021 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 Mednichauki P.S. Case No.121/2020 registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2016. He is in custody since 30.12.2020. The petitioner has got one criminal antecedent of similar nature in which he is said to be on bail.

As per the prosecution story on 29.12.2020 the informant got a secret information that a person was coming from Kiranpur Tal to Khawa Primary Health Centre with



country made liquor. On this information, the informant reached at the given place and saw that a person was coming towards P.H.C. with a plastic bag. It is alleged that on seeing the police personnel the said person started fleeing away after throwing the bag but on chase he was apprehended. On interrogation, he disclosed his name as Mukesh Mahto (petitioner). On search from the bag 32 liters of illicit liquor was recovered.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case merely on suspicion. Learned counsel submits that nothing has been recovered from the conscious possession of the petitioner and he has no concern with the alleged seized bag and liquor. It is submitted that the petitioner is in custody in connection with this case since 30.12.2020.

Learned APP 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 32 liters of illicit liquor were recovered from a bag which was allegedly thrown by the petitioner in the orchard, petitioner has one criminal antecedent of similar nature in which he is said to be on bail, petitioner is in custody in connection with this case since 30.12.2020, investigation against him is



complete but the trial is not likely to take place in near future, this Court directs that the petitioner above named be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge-II-cum-Special Judge (Excise), Lakhisarai in connection with Mednichauki P.S. Case No.121/2020, subject to the condition as laid down under Section 437 (3) Cr.P.C.

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.

(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'.

