

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33053 of 2020

Arising Out of PS. Case No.-62 Year-2020 Thana- DARBHANGA District- Darbhanga

KRISHNA MAHTO Son of Ramlakhan Mahto @ Late Ramlakhan Mahto
Resident of Mohalla - Mashraf Bazar, P.S. - Town, District - Darbhanga.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Vinay Kumar Mishra

For the Opposite Party/s : Mr. Ram Naresh Roy, APP

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 25-01-2021

Heard learned counsel for the parties.

There is a typographical error in paragraph 2 of the application inasmuch as 'Cr. Misc. No. 18129 of 2019' has been typed in place of 'Cr. Misc. No. 18129 of 2020'.

The same shall be read accordingly.

This application for grant of regular bail arises out of G.O. Case No. 239 of 2020 arising out of Darbhanga Town P.S. Case No. 62 of 2020, registered for the offences punishable under Sections 30(a) of Bihar Prohibition and Excise Act 2016 and 37(b) of Bihar Prohibition and Excise Act 2018.

The petitioner is in custody since 22.02.2020. His prayer for regular bail was earlier rejected by this Court by an order dated 24.06.2020 passed in Cr. Misc. No. 18129 of 2020.



From the petitioner's house, the police, according to the case of the prosecution, have recovered 203.5 liters of Indian made foreign liquor. Considering the petitioner's criminal antecedent and the quantity of illicit liquor recovered from his house, his application for regular bail was rejected by this Court by the aforesaid order.

Learned counsel appearing on behalf of the petitioner has argued that the petitioner has remained in custody for a considerable period of time and there is no likelihood of conclusion of trial arising out of the said criminal case in near future. He has submitted that this Court may impose any condition for allowing him privilege of regular bail.

Considering the facts and circumstances, as noted above, this application is allowed.

Let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned 2nd Additional Sessions Judge cum Special Judge, (Excise Act), Darbhanga, in G.O. Case No. 239 of 2020 arising out of Darbhanga Town P.S. Case No. 62 of 2020.

It is, however, observed that if the petitioner is found by the prosecution indulging in any criminal activities, it shall



be at liberty to approach this Court for cancellation of bail
granted by virtue of the present order.

(Chakradhari Sharan Singh, J)

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