

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39152 of 2020

Arising Out of PS. Case No.-415 Year-2020 Thana- ARARIA District- Araria

BHIKHARI MAHTO S/o Late Jagdish Mahto R/o Sakin- Radha Nagar,
Gadhbaneli, Ward No. 01, P.S. Kasba, District- Purnia

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

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

For the Opposite Party/s : Mr. Dilip Kumar, No. 1 APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 12-02-2021 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 this Court.

Heard learned counsel for the petitioner and Mr. Dilip Kumar No. 1, learned A.P.P. for the State.

The petitioner in the present case is seeking regular bail in connection with Araria P.S. Case No. 415 of 2020 (Spl. Case No. 455 of 2020) registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

Learned counsel for the petitioner submits that as per the prosecution story when the informant along with other police officials were involved in vehicle checking the petitioner was found sitting in a vehicle from which 300.24 liters of illicit liquors have been recovered.

Learned counsel submits that the petitioner has been



falsely implicated in this case only on mere suspicion, he was not aware regarding the liquor kept in the vehicle and the petitioner had taken lift in the vehicle in question. The petitioner has no criminal antecedent and he is in judicial custody since 02.06.2020.

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 the petitioner has remained in jail since 02.06.2020 in connection with this case and it is stated in paragraph '17' of the petition that he has fallen sick and was admitted in Sadar Hospital, Purnia and thereafter referred to Patna Medical College and Hospital, Patna and further that prior to the present case the petitioner had no criminal antecedent, let 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 2nd Addl Sessions-cum-Special Judge, Araria in connection with Araria P.S. Case No. 415 of 2020 (Spl. Case No. 455 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)

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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'.

