

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.245 of 2021

Arising Out of PS. Case No.-173 Year-2019 Thana- GHANSHYAMPUR District- Darbhanga

Pramod Mahto Alias Pramod Kumar Mahto, Son Of Late Ram Sewak Mahto
@ Ameli Mahto, Resident Of Village - Fatki Kutti, P.S. - Madhepur, District -
Madhubani

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Ajay Kumar Thakur, Advocate
Mr. Udhav, Advocate
For the Opposite Party/s : Mr.Md. Fahimuddin, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 02-03-2021 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 Mr. Md. Fahimuddin, learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in connection with Ghanshyampur P.S. Case No. 173 of 2019 registered for the offence under Section 30(a) of the Bihar Prohibition and Excise Act.

Learned counsel for the petitioner submits that as per the prosecution story, the Police team on secret information intercepted a vehicle and recovered 1467.36 litres of illicit liquor. It is alleged that the apprehended person disclosed the name of co-accused who managed to flee away on seeing the Police. The apprehended person



also disclosed the name of the 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 petitioner was neither arrested on the spot nor was among the two persons who managed to escape. The petitioner has been made accused in this case only on the basis of disclosure made by the apprehended accused.

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 save and except the confessional statement of the co-accused implicating this petitioner in the present case, there is no material against him, as also the submission that the petitioner has remained in jail for almost six months by now, this Court having considered further that the petitioner has got three criminal antecedents of similar nature directs that **on completion of nine months of custody**, the petitioner above named shall 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 Additional Sessions Judge II-cum-Special Judge (Excise), Darbhanga in connection with Ghanshyampur P.S. Case No. 173 of 2019, 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.

This 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'.

