

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.5594 of 2021**

Arising Out of PS. Case No.-1089 Year-2020 Thana- GOVERNMENT OFFICIAL COMP.
District- Darbhanga

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BAIDYANATH MAHTO Son of Kailu Mahto Resident of Village - Rampur
Uday, P.S.- Bahera, Dist.- Darbhanga.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr. Shailendra Kumar Jha, Advocate

For the Opposite Party/s : Ms. Suman Kumari Singh, APP

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

2 15-04-2021 Heard learned counsel for the petitioner and Ms. Suman
Kumari Singh, learned APP for the State.

The petitioner in the present case is seeking regular bail
in connection with G.O. Case No. 1089 of 2020, P.R. No. 01 of
2020 registered for the offences punishable under Section 30(a) of
Bihar Prohibition Excise Act, 2016.

Learned counsel for the petitioner submits that the
Excise Officials intercepted a truck and recovered 738 liters of
illicit liquors and the petitioner was arrested from the truck.

Learned counsel submits that the petitioner is innocent
and has falsely been implicated in the present case. It is submitted
that the petitioner is a labourer and he has been arrested on mere
suspicion while he was passing through the place where the truck



in question was intercepted by the police. It is further submitted that the petitioner has no concern with the said truck or the illicit liquor. The petitioner is in jail in connection with the present case since 08.10.2020 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 petitioner is a labourer and he has been arrested on mere suspicion while he was passing through the place where the truck in question was intercepted by the police, the petitioner had no concern with the said truck or the illicit liquor, he has remained in jail in connection with the present case since 08.10.2020, he has otherwise no criminal antecedent, investigation against him is complete and further incarceration of the petitioner is not likely to come in aid of the investigation or the prosecution, let the petitioner above named be released 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 Additional Sessions Judge-II-Cum-Special Judge, Excise Act, Darbhanga, in connection with G.O. Case No. 1089 of 2020, P.R. No. 01 of 2020, 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 petitione. 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'.

