

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.5628 of 2021**

Arising Out of PS. Case No.-147 Year-2020 Thana- VIDYAPATINAGAR District-
Samastipur

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RANJEET MAHTO @ RANJIT MAHTO Son of Ram Bahadur Mahto
Resident of Village-Mau Dhaneshpur Uttar, P.S.-Vidyapati Nagar, District-
Samastipur.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Lakshmindra Kumar Yadav, Advocate
For the Opposite Party/s : Mr.Nagendra Prasad, A.P.P.

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

2 16-04-2021 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 Vidyapati Nagar P.S. Case No. 147/2020

registered for the offences punishable under Section 30(a) of the

Bihar Prohibition & Excise Act, 2016.

Learned counsel for the petitioner submits that while the

informant was on patrolling duty, on secret information, reached at

the given place where on seeing the police two persons by parking

a Tata Mazic Vehicle started fleeing but one of them was caught on

chase. The apprehended person disclosed his name as Avinash



Kumar, who disclosed the name of this petitioner as a person who managed to escape. The informant recovered 67 cartoons of illicit liquor from the Tata Mazic Vehicle.

Learned counsel for the petitioner submits that petitioner has been falsely implicated in this case, the foreign liquor recovered from the Tata Mazic Van which does not belong to the petitioner.

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 petitioner has been falsely implicated in this case, the foreign liquors recovered from the Tata Mazic Van do not belong to the petitioner, petitioner has remained in jail in connection with the present case for over six months, prior to the present case he had no criminal antecedent, further incarceration of the petitioner is not likely to come in aid of investigation or prosecution, this court directs release of the petitioner 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 – 2nd – cum Special Judge, Excise, Samastipur, in connection with Vidyapati Nagar P.S. Case No. 147/2020, 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.

(Rajeev Ranjan Prasad, J)

Rajeev/-

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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'.

