

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.7073 of 2021**

Arising Out of PS. Case No.-85 Year-2020 Thana- GOVERNMENT OFFICIAL COMP.
District- Banka

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Sushil Kumar Mahto Son Of Bishwanath Mahto Resident Of Village-
Satmalpur P.S- Warisnagar District- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ranjan Kumar Jha, Advocate
For the Opposite Party/s : Mr.Akhileshwar Dayal, A.P.P.

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

2 17-04-2021 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 Excise Comp. No. 85/2020 registered for the

offences punishable under Section 30(a) of Bihar Prohibition and

Excise Act, 2016.

As per prosecution story, on 06.10.2020, while the

informant on patrolling duty he saw a Bolero Pick-Up Van and two

persons were sitting near the Van and when he reached to search

the Van in question both of them tried to escape in Jungle, the

police chased them and one of them were arrested and told his



name as Sushil Kumar Mahto and on search of the vehicle altogether 900 liters of illicit liquor were recovered.

Learned counsel for the petitioner submits that the petitioner and the co-accused were sitting near the rear wheel of the vehicle which was in standing condition and from the said vehicle illicit liquors have been recovered. Learned counsel further submits that the petitioner has been arrested on mere suspicion and he is in jail in connection with the present case since 06.10.2020.

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 it is alleged that the petitioner and the co-accused were sitting near the rear wheel of the vehicle which was in standing condition and from the said vehicle illicit liquor have been recovered, further submission that the petitioner has been arrested on mere suspicion and he is in jail in connection with the present case since 06.10.2020, prior to the present case he had no criminal antecedent, investigation against him is complete and further incarceration of the petitioner in jail is not likely to come in aid of investigation or prosecution, let the petitioner above named 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 2nd Additional Sessions Judge,



Banka, in connection with Excise Comp. No. 85/2020, 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'.

