

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7416 of 2021**

Arising Out of PS. Case No.-484 Year-2020 Thana- MUZAFFARPUR TOWN District-
Muzaffarpur

=====

RAJ KUMAR MAHTO @ ALUA Son of Bindeshwar Mahto Resident of
Mohalla - Purani Gudri, P.S.- Town, District - Muzaffarpur

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

=====

Appearance :

For the Petitioner/s : Mr. Anish Kumar, Advocate
For the Opposite Party/s : Mr. Md. Sufiyan, APP.

=====

**CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER**

2 30-06-2021

In view of sudden surge of COVID – 19 infection there is limited functioning of the High Court and therefore the matter has been listed for consideration through virtual mode.

Heard learned Counsel for the petitioner and the learned APP for the State.

This Court would expect that the petitioner's Counsel would honour his undertaking in the instant proceedings regarding supply of requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

Petitioner seeks bail in Town PS Case No. 484 of 2020 registered under Sections 272, 273, 34 of the IPC and Section 30(a) of Bihar Prohibition and Excise Act, 2016 .

From two persons 100 liters illicit country made liquor has allegedly been recovered. Upon their confessional statement the petitioner has been implicated.

Learned Counsel for the petitioner submits that the petitioner has no criminal antecedent. The implication is based on extraneous consideration and based on confessional statement of co-accused having no evidentiary value. The petitioner is in custody



since 19.8.2020 and other similarly situated co-accused have been allowed bail in Cr. Misc. No. 41142 of 2020

Learned APP has opposed the prayer for bail.

Considering the rival submissions as also the facts and circumstances of the case, prayer for bail of the petitioner is allowed. Let the petitioner above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Special Judge, Excise Act, Muzaffarpur in Town PS Case No. 484 of 2020 subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

SNkumar/-

U		T	
---	--	---	--

