

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.10507 of 2021**

Arising Out of PS. Case No.-674 Year-2020 Thana- MUZAFFARPUR TOWN District-
Muzaffarpur

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BABLU MAHTO S/O NAGENDRA MAHTO Resident Of Village - Prani
Guadri Road, Ward No. 40,P. S.- Town, District - Muzarrarpur... Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Ravi Ranjan,Advocate

For the Opposite Party/s : Mr.Uday Pratap Singh,APP

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 21-05-2021 Learned counsel for the petitioner undertakes to remove

all the defects pointed out by the Stamp Reporter within four weeks

after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr. Uday
Pratap Singh, learned APP for the State.

The petitioner in the present case is seeking regular bail in
connection with Town P.S. Case No. 674 of 2020 registered for the
offences punishable under Sections 272, 273 of the Indian Penal
Code and Section 30(a) of Bihar Prohibition and Excise Act.

Learned counsel for the petitioner submits that as per the
prosecution story, on 18.10.2020 at about 13:00 hours while
performing their duty of patrolling and vehicle checking, informant
Amit Mishra got a secret information that one Bablu Mahto was
involved in country made liquor trade and acting on such information
when he reached at the place of occurrence with other senior police
officials he found one person keeping one gallon of illicit liquor



beside the road and on seeing the police party he tried to flee away but got apprehended. In presence of two members of raiding team cap of gallon was opened from which total 30 liters of country made illicit liquor was recovered.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. It is submitted that nothing has been recovered from the possession of the petitioner. The petitioner is in custody since 19.10.2020.

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 has been falsely implicated in this case alleging that 30 liters of gallon with country-made illicit liquor was recovered from his possession even when the petitioner was not in possession of the same, further submission that the petitioner is in custody in connection with the present case since 19.10.2020 and prior to the present case the petitioner was having a case against him but the said case stands disposed of on compromise, learned counsel for the petitioner reiterates after deliberations with the Court that no case is presently pending against the petitioner and to this effect an affidavit will be sworn and filed before the learned court below while submitting the bail bond, this Court directs release of the petitioner



above named 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 Special Judge, Excise Act, Muzaffarpur in connection with Town P.S. Case No. 674 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 petitioner will file an affidavit before the learned court below through his pairvikar that presently no case is pending against him.

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.

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'.

