

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28100 of 2022

Arising Out of PS. Case No.-368 Year-2021 Thana- HAJIPUR SADAR District- Vaishali

Lal Babu Mahato, Son of Yogendra Mahto, Resident of Village - Manpura,
P.S.- N.H.Bangra, Distt.- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anuj Kumar, Advocate

For the Opposite Party/s : Mr.Anant Kumar I, APP

CORAM: HONOURABLE MR. JUSTICE A. M. BADAR

ORAL ORDER

2 06-07-2022 The applicant/accused in Crime No. 368 of 2021 registered with Hajipur Sadar Police Station for the offences punishable under Sections 420 r/w Section 34 of the Indian Penal Code as well as Section 30(a) of the Bihar Prohibition and Excise Act, by this application is seeking his release on bail during pendency of the trial. His earlier bail application was rejected by this Court on 14.12.2021 with a liberty to him to move again if the trial is not finish within six months.

Heard both sides.

The learned counsel for the applicant on instruction submits that despite lapse of six months time as granted by this Court, the trial is yet to finish. He submits that inadvertently the statement is not made in the bail petition but he is making such statement at bar. It is further argued that considering the nature of the offence as well as the fact that the liquor involved in the



instant case only 6.750 litres, further pretrial detention of the applicant should not be authorized.

The learned Additional Public Prosecutor opposed the application.

I have considered the submissions so advanced and also perused the earlier order dated 14.12.2021. The trial was directed to be disposed of within a period of six months, vide said order, the applicant is given liberty in case the trial is not over by that period.

The applicant along with others was found to be transporting 6.750 litres of Indian made foreign liquor by police which has resulted in registration of the subject crime. The applicant is undoubtedly having criminal antecedents of the like matter but at the same time, he cannot be permitted to be languishing in jail for indefinite period. In this view of the matter, considering the period of pretrial detention of the applicant from 07.04.2021, he deserves liberty and therefore, the order :-

- i. The application is allowed.
- ii. The applicant/accused in Crime No. 368 of 2021 registered with Hajipur Sadar Police Station be released on bail on executing P.R. bond of Rs.10,000/- (Rupees Ten Thousand) on furnishing surety of the like amount to the satisfaction of the



trial court with the following conditions: -

(I) The applicant/accused should not extend any threat, promise of inducement to the persons acquainted with the facts of the accusation against him so as to dissuade him from disclosing such facts to the Court or to any police officer.

(II) The applicant/accused should cooperate the trial court in expeditious disposal of the trial against him.

(III) The applicant/accused should not contact the members of the prosecuting party as well as witnesses in this case in any manner till conclusion of the trial.

(IV) The applicant should not repeat commission of similar offence in future and if he is found to be involved in commission of similar offence, the State is at liberty to apply for cancellation of bail granted to the applicant in the instant case.

The applicant to remove all office objections forthwith and the Registry to issue the certified copy of this order only after removal of office objections by the appellant/accused.

Bhardwaj/-

(A. M. Badar, J)

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