

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38680 of 2021

Arising Out of PS. Case No.-346 Year-2020 Thana- DUMRA District- Sitamarhi

Munna Raut @ Shiv Shankar Mahto Son of Late Raghunath Raut Resident of
Village - Mohandih, P.S.- Dumra, District - Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjeet Kumar Mishra, adv.

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

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 03-01-2022 Heard learned counsel for the petitioner as well as
learned APP for the State.

Let the defect(s) be removed within two weeks of the
complete start of the physical Court in normal course.

Petitioner who is in custody since 29.03.2021 seeks
bail in connection with Dumra P.S. Case No.346 of 2020
registered for offence punishable under Section 30(a) of Bihar
Prohibition and Excise Act.

Prosecution case in brief, is that altogether 59.62 liters
illicit liquor was recovered from the house of the petitioner. The
petitioner was apprehended on the basis of the statement of one
co-accused, Rohit Kumar.

Learned counsel appearing on behalf of the petitioner
submits that petitioner is innocent and has nothing to do with
the alleged illicit liquor, rather he has been roped in this case on



the basis of confessional statement of one co-accused, Rohit Kumar. He further submits that co-accused is engaged in sale and manufacture of illicit liquor has falsely implicated the petitioner, in spite of the fact that the seizure was not conducted in presence of any independent witness. He submits that no offence is made out against the petitioner and is having clean antecedent.

Learned counsel for the State, however, opposes the prayer for grant of bail to the petitioner.

Considering the fact that the name of the petitioner has been made in the present case on the basis of confessional statement of co-accused and on the basis of seizure list no case is made out against the petitioner, learned lower court is directed to verify the criminal antecedent of the petitioner as to whether any other criminal case is pending against him as what has been stated in paragraph-3 of the application, and upon being satisfied, it is directed that petitioner, above named, be released on regular bail on furnishing bail bond of Rs.2,00,000/-(Rupees Two Lac) with two sureties of the like amount each to the satisfaction of learned Additional District & Sessions Judge, IInd-cum-Special Judge (Excise), sitamarhi in connection with Dumra P.S. Case No.346 of 2020, subject to the following



conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court.

(3) If the petitioner tamper with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioners.

(4) If the petitioner is found involved in similar nature of offence, after release on bail, the trial court shall take steps to cancel his bail bonds.

(Purnendu Singh, J)

Prakash Narayan /-

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