

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39737 of 2021

Arising Out of PS. Case No.-262 Year-2017 Thana- RIVILGANJ District- Saran

RAM BABU MAHTO S/O LATE SADHU MAHTO Resident of Village-
Newaji Tola Dharamshala near Adda No 02, Police Station- Revilganj,
District- Saran (Chapra).

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sachida Nand Rai

For the Opposite Party/s : Mr.Surendra Kumar

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

4 25-01-2022

Heard the parties through video conferencing.

Heard learned counsel appearing on behalf of the
petitioner and learned A.P.P. for the State.

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

The petitioner, who is in custody since 03.05.2021, seeks
regular bail in connection with Revilganj P.S. Case No. 262 of 2017,
for the offence punishable under Sections 272 and 273 of the Indian
Penal Code and Section 30(a) of the Bihar Prohibition and Excise
Act, 2016.

The prosecution case, in brief, is that on the date and
time of occurrence, the informant along with other Police force had
proceeded for patrolling duty at village-Diliya Rahimpur in the
Diyara area for raiding of illegal wine and during course of search,
three persons were arrested and they disclosed their name as



Munna Rai, Bitu Rai and Dhanu Rai and from the possession of accused Munna Rai, the Police recovered 565 litres of country made wine, from the possession of accused Bitu Rai, the Police recovered 460 litres of country made wine and from the possession of accused Dhanu Rai, the Police recovered 425 litres along with one motorcycle in which 50 litres of country made wine was also recovered which was kept in the tube. They also disclosed before the Police that accused persons namely, Ram Babu Mahto (Petitioner), Sheonath Mahto, Shyam Mahto, Sanjay Mahto and Kailash Prasad were also involved and all of them have accepted to prepare the illegal wine in the said area and they also sold it in the market. Accordingly, seizure list was prepared.

Learned counsel appearing on behalf of the petitioner submits that petitioner is innocent and he has falsely been implicated in this case. He further submits that petitioner has been roped in the present case on the basis of confessional statement of Munna Rai. The petitioner was apprehended on 03.05.2021, while he was remanded in another case i.e. Revilganj P.S. Case No. 447 of 2020. He further submits that nothing incriminating article has been recovered from the conscious possession of the petitioner.

Learned A.P.P. for the State has opposed the prayer for grant of bail to the petitioner.

Considering the aforementioned facts and circumstances of the case, the name of the petitioner has surfaced in the



confessional statement of Munna Rai and there is no allegation of tampering of evidence or influencing the witnesses and the trial of the petitioner is not likely to be completed in near future due to pandemic of Covid-19, the petitioner is directed to be released on bail on furnishing bail bond of Rs. One Lakh with two sureties of the like amount each to the satisfaction of the learned Addl. Sessions Judge-II-cum- Special Judge, Excise Act, Chapra in connection with Revilganj P.S. Case No. 262 of 2017, 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 tampers 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 petitioner.

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

(Purnendu Singh, J)

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