

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.42606 of 2021**

Arising Out of PS. Case No.-119 Year-2021 Thana- BARAUNI District- Begusarai

Vijay Mahto S/O Late Muneshwar Mahto R/O Village- Ganga Prasad, Bind
Toli, P.S.- Barauni (Chakia O.P.), District- Begusarai Petitioner
Versus

The State of Bihar Opposite Party

Appearance :

For the Petitioner/s : Mr. Sandip Kumar Gautam, Advocate

For the Opposite Party/s : Mr. Ram Sumiran Rai, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 16-02-2022 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. Ram
Sumiran Rai, learned APP for the State.

The petitioner in the present case is seeking regular
bail in connection with Barauni P.S. Case No. 119 of 2021
registered for the offences punishable under Sections 30(a), (c)
of Bihar Prohibition and Excise Act. He has got no criminal
antecedent and has remained in custody since 19.03.2021.

Learned counsel for the petitioner submits that as per
the prosecution story, one Rakesh Kumar Gupta, S.H.O. of
Chakia O.P. received an information that illegal liquor is being
prepared in Ganga Prasad Diara. On this information, he along
with other police officials raided the said place and on seeing



the police party some accused persons started fleeing away but Vijay Mahto (this petitioner) got apprehended. From the said place, 90 liters of illegal country-made liquor kept in 6 plastic containers and 3 aluminum containers and two pieces of instruments of preparation of Mahua liquor and one old cycle have been seized.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. It is submitted that the place from where illegal country-made liquor has been recovered is an open place. It is also submitted that the petitioner has no concern with the said land and illicit liquor. The petitioner has remained in custody since 19.03.2021 having no criminal antecedent.

Learned APP for the State has opposed the prayer for regular bail of the petitioner.

Having regard to the submissions that the alleged 90 liters of illegal country-made liquor kept in 6 plastic containers and 3 Aluminum containers and two piece of instruments of preparation of Mahua liquor and one old cycle has been seized from an open place known as Ganga Prasad Diara, So far as this petitioner is concerned, he has no concern with the said land and he is said to have been arrested mere on suspicion and further



that the petitioner has got no criminal antecedent, he has remained in custody for over 11 months, investigation against him is complete and his presence may be secured in course of trial, 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 Additional Sessions Judge-II-cum-Special Judge, Excise Act, Begusarai in connection with Barauni P.S. Case No. 119 of 2021, subject to the conditions as laid down under Section 437(3) Cr.P.C.

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'.

