

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43810 of 2021

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

JAWAHAR MAHTO, Son of Late Ganeshi Mahto, Resident of Ganga Prasad Bind Toli, P.S.- Barauni (Chakia), District- Begusarai.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr.Manoj Kumar, Advocate

For the Opposite Party : Mr.Akhileshwar Dayal, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 23-02-2022 Learned counsel for the petitioner undertakes to remove all the defects as pointed out by office within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr. Akhileshwar Dayal, learned A.P.P. for the State.

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 Section 30(a)(c) of the Bihar Prohibition and Excise Act. He is in custody since 25.03.2021 having no criminal antecedent as stated in paragraph '3' of the application.

As per the prosecution story, while the informant got secret information that a liquor factory is running in Ganga Prasad Diara, according he raided that place and from the said factory total 90 liters of country made liquor were recovered.



Learned counsel for the petitioner submits that petitioner has been falsely implicated in this case. Learned counsel submits that the illicit liquor has been seized from a factory not from the possession of this petitioner, however he is in jail in connection with this case since 25.03.2021.

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

Having regard to the submission that the name of this petitioner has transpired in the confessional statement of co-accused Vijay Mahto, total 90 liters of country made liquor is said to have been recovered from the alleged liquor factory running in Ganga Prasad Diara and said Vinay Mahto has been granted bail in Cr. Misc. No. 42606/2021, this petitioner has got no criminal antecedent and has remained in custody since 25.03.2021, investigation against him is complete and his presence may be secured in course of trial, therefore, this Court directs release of the petitioner above named on bail on furnishing of bail bond 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, Begusarai in connection with Barauni P.S. Case No. 119 of 2021, subject to the condition 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.

(Rajeev Ranjan Prasad, J.)

Rajeev/-

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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'.

