

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45140 of 2021**

Arising Out of PS. Case No.-362 Year-2020 Thana- BAKHARI District- Begusarai

Arvind Mahto, S/O Mahendra Mahto, R/O Village-Darha Than Singh, Ward
No. 1, P.S-Bakhri, District- Begusarai

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Mr.Jai Prakash Singh, Advocate Mr. Pankaj Kumar Singh, Advocate
For the Opposite Party/s :		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 Bakhri P.S. Case No. 362 of 2020 registered for the offences punishable under Section 30(a) (d) of the Bihar Prohibition and Excise Act, 2018. He is in custody since 07.04.2021. The petitioner has got no criminal antecedent.

Learned counsel for the petitioner submits that as per the prosecution story, the informant got secret information that the accused persons named in the F.I.R. including the petitioner



are involved in preparation of illicit liquor and selling of the same in the forest area on the bank of Chandrabhaga river. The informant along with the Police Force reached at the given place and recovered 90 litres of country made liquor including manufacturing utensils and 1000 litres of fermented liquor. The informant prepared the seizure list and lodged the F.I.R.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. It is submitted that the petitioner has no criminal antecedent and he is in custody in connection with this case since 07.04.2021.

Learned counsel submits that the petitioner has no concern with the place of recovery and the seizure list has not been signed by the independent witnesses.

Mr. Akhileshwar Dayal, learned APP for the State is present and has opposed the prayer for regular bail of the petitioner.

Having regard to the submission that the alleged recovery of liquor has been made from a place which does not belong to the petitioner, the petitioner has no criminal antecedent, investigation against him is complete, he has remained in custody since 07.04.2021 and the co-accused



similarly situated have been granted bail by a learned coordinate Bench of this Court in Cr. Misc. No. 3203 of 2021, this Court directs that the petitioner above named be released on bail on furnishing bail bond 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-2-cum-Special Judge, Excise Act, Begusarai in connection with Bakhri P.S. Case No. 362 of 2020, 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 steps 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)

vats/-

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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'.

