

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47539 of 2021

Arising Out of PS. Case No.-6 Year-2020 Thana- UJIYARPUR District- Samastipur

RAM KARAN MAHTO Son of Ramchandra Mahto Resident of village -
Mukhtiyarpur, P.S. - Dalsinghsarai, District - Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mirtyunjay Kumar Mishra

For the Opposite Party/s : Mr. Indu Kumari Srivastava

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 13-01-2022 Heard the parties through video conferencing.

Heard learned counsel appearing on behalf of the
petitioner and learned APP appearing on behalf of 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 15.01.2021 seeks
regular bail in connection with Ujiyarpur P.S. Case No. 06 of
2020 registered for offence punishable under Section 30(a) of
the Bihar Prohibition and Excise Act, 2016.

Prosecution case in brief is that upon receiving secret
information about doing the business of illicit liquor by Shiv
Kumar Ram, Ram Karan Mahto and Nitish Kumar alias Munna,
in village-Baikunthpur Brahanda, the informant along with other
police personnel reached there and on search of the hut of the



cattle of the petitioner total 881.235 litres of Indian Made Foreign Liquor was recovered.

Learned counsel appearing on behalf of the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. It is further submitted that it would appear from the F.I.R. that the said alleged liquor has been recovered from the open place and not from the house of the petitioner. The other co-accused namely, Shiv Kumar Ram has already been granted bail vide order dated 15.06.2020 passed in Cr. Misc. No. 14163 of 2020.

Learned A.P.P. has opposed the prayer for bail.

Considering the facts and circumstances of the case and criminal history of the petitioner, the Court below is directed to enlarge the petitioner to bail subject to the condition that if the petitioner furnishes Bank Draft of Rs. 2,00,000/- (Rupees Two Lacs) in favour of Bihar State Legal Services Authority at Patna in Court below along with two solvent Sureties of the like amount each to the satisfaction of learned 2nd Sessions Judge, Samastipur-cum-Special Judge, Excise, Samastipur in connection with Ujiyarpur P.S. Case No. 06 of 2020 subject to the following conditions:

(i) Bailors should be local having sufficient



immovable property within the jurisdiction of the court concerned.

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

(iii) 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.

(iv) 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 bond.

It is made clear that if the petitioner is involved subsequently in another excise matter or in any other case then the amount of bank draft will be deposited in the account of Bihar State Legal Services Authority, Patna. If the Court below finds the conduct of the petitioner is uniformly good, then the said draft be returned to the petitioner on such appropriate terms and conditions fixed by the Court below.

(Purnendu Singh, J)

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