

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49551 of 2021**

Arising Out of PS. Case No.-352 Year-2021 Thana- SONEPUR District- Saran

Binod Mahto @ Langra @ Binod Chaudhary @ Vinod Mahto Son Of Late
Rambilash Mahto R/O Village- Mina Bazar, P.S.- Sonapur, District- Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manish Chandra Gandhi, Advocate.

For the Opposite Party/s : Mr. Yogendra Kumar, APP.

**CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER**

4 25-07-2022 Learned counsel for the petitioner is permitted to remove defect(s), as pointed out by the office, if any, within a period of four weeks from today.

Heard Mr. Manish Chandra Gandhi, learned counsel for the petitioner as well as learned Additional Public Prosecutor for the State through video conference.

The application for grant of bail to the petitioner, above named, who has been made accused and put behind the bar in connection with Sonapur P. S. Case No. 352 of 2021 registered for the offences punishable under Sections 272 and 273 of the Indian Penal Code and Section 30(a) of the Bihar



Prohibition and Excise Act.

As per the prosecution case, it is alleged that on a secret information, the Police apprehended the petitioner and on search being made 15 litres country-made wine, which was kept hidden in the *Kabaari* shop of the petitioner, was recovered.

Learned counsel appearing on behalf of the petitioner submitted that the alleged recovery has been made from the scrapes, which was kept outside of the shop of the petitioner and the same was not from his possession. It is further submitted that only because of the past criminal antecedent his name has been implicated in this case. It is next submitted that now he has already sufficiently punished and he is in custody since 28.06.2021 and moreover, the investigation of the crime is already completed and the charge-sheet has been submitted.

On the other hand, learned APP for the State opposes the bail application and submits that the petitioner has multiple criminal antecedent.

Having considered the submissions made on behalf of the parties and taking into account the fact that the petitioner is in custody since 28.06.2021 and moreover, the investigation of the crime is completed and the charge-sheet has been submitted and there is no likelihood of commencement of trial



in near future, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned 2nd Additional Sessions Judge-cum-Special Judge, Excise, Saran in connection with Sonapur P. S. Case No. 352 of 2021, subject to the condition that one of the bailors will be the close relative of the petitioner with further conditions which are as follows:-

- (i) The petitioner will cooperate in conclusion of the trial.
- (ii) He will remain present on each and every date of trial till disposal of the case.
- (iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.
- (iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.
- (v) 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 cancelling 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.

(Harish Kumar, J)

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