

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47298 of 2022

Arising Out of PS. Case No.-97 Year-2022 Thana- UDAKISHUNGANJ District- Madhepura

Baijnath Mahto S/O Ram Vilas Mahto R/O Village- Uda, Ward No. 03, P.S.-
Udakishunganj, District- Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Uday Chand Prasad, Advocate

For the Opposite Party/s : Mr. Md. Shakir Ahmad, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 21-10-2022 Let the defects, if any, be removed within four weeks from today.

Heard Mr. Uday Chand Prasad, learned counsel for the petitioner as well as learned Additional Public Prosecutor for the State through video conferencing.

Petitioner seeks bail in a case registered in connection with Udakishunganj P.S. Case No. 97 of 2022 for the offences punishable under Sections 30(a), of the Bihar Prohibition & Excise Amendment Act 2018.

The allegation against the petitioner is to be engaged in trafficking of illicit liquor, the police apprehended the petitioner and on search 50 liters illicit country made chullai liquor was recovered from the house of petitioner.



Learned counsel appearing on behalf of the petitioner submits that the alleged recovery has been made from the courtyard of the joint residential house of the petitioner, where several persons reside and the petitioner cannot be held responsible. However, only on account of past criminal antecedent, his name has been implicated in this case. Though, the petitioner is found involved in three other criminal cases of similar nature but he is in on bail in all the cases. It is next submits that the investigation of the crime is complete and the charge sheet has been submitted and the petitioner is in custody since 09.04.2022.

On the other hand, learned counsel for the State opposed the bail application and submits that petitioner is found involved in three criminal cases of identical nature.

Regard being had to the submission made on behalf of the parties and considering the fact that alleged recovery has been made from a courtyard of joint residential house where several persons reside and moreover, the investigation of the crime is complete and the charge sheet has been submitted and there is no likelihood of the commencement of trial in near future, let the



petitioner, above named, be released on bail on furnishing bail bonds of Rs. 20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge cum Incharge Special Judge, Excise, Madhepura in connection with Udakishunganj P.S.Case No. 97 of 2022, subject to the condition that one of the bailors will be the close relatives 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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