

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.57148 of 2021**

Arising Out of PS. Case No.-123 Year-2021 Thana- GOVERNMENT OFFICIAL COMP.
District- Sitamarhi

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Ramesh Mahto Son Of Yogendra Mahto Resident Of Village- Awapur, Ward
No.01 (Sherpur), Police Station- Pupri, District- Sitamarhi.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr. Pushpendra Kumar Singh, Advocate

For the Opposite Party/s : Ms. Sharda Kumari, APP

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**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 15-04-2022 Learned counsel for the petitioner undertakes to remove

all the defects pointed out by the Stamp Reporter within four weeks

after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Ms.

Sharda Kumari, learned APP for the State.

Petitioner in the present case is seeking regular bail in

connection with Complaint G.O. Case No. 123 of 2021

registered for the offence punishable under Section 30(a) of the

Bihar Prohibition & Excise Act. He has no criminal antecedent

and is in custody since 15.07.2021.

Learned counsel for the petitioner submits that as per

the prosecution story, the SSB Jawan while on patrolling duty

stopped a tempo and on search of the said tempo, total 216 liters

of illicit liquor was recovered and the driver (this petitioner) of



the said tempo was arrested.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case. It is submitted that the petitioner has no concern with the allegedly recovered illicit liquor. He has remained in custody since 15.07.2021 having no criminal antecedent.

Learned counsel submits that investigation against the petitioner is complete and his appearance during trial may be secured.

Ms. Sharda Kumari, learned APP for the State has opposed the prayer for bail of the petitioner.

Having regard to the submission that this petitioner happened to be the driver of the tempo from which allegedly 216 liters of illicit liquor has been recovered but the petitioner has remained in custody in connection with this case since 15.07.2021, he has no criminal antecedent, investigation against him is complete and his presence may also be secured in course of trial, in these circumstances, this Court directs release of the petitioner above named on bail on furnishing bail bonds of Rs.25,000/-(Rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of learned A.D.J. II-cum-Special Judge, Excise Act, Sitamarhi in connection with



Complaint G.O. Case No. 123 of 2021, subject to the conditions 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.

The application stands allowed.

(Rajeev Ranjan Prasad, J)

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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'.

