

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59556 of 2022

Arising Out of PS. Case No.-346 Year-2020 Thana- DUMRA District- Sitamarhi

Munna Raut @ Shiv Shankar Mahto Son of Late Raghunath Mahto R/o
village - Mohandih, P.S.- Dumra, District - Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Jha, Advocate.

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

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 23-11-2022 Heard Mr. Ashok Kumar Jha, learned counsel
appearing on behalf of the petitioner and Mr. Manoj Kumar,
learned APP for the State.

Learned counsel appearing on behalf of the petitioner submits that the petitioner was directed to be released on bail vide order dated 03.01.2022 passed in Cr. Misc. No. 38680 of 2021. The bail bond of the petitioner was not accepted by the court below in view of one of condition of the bail regarding verification of the criminal antecedent of the petitioner and it was found that one more criminal case is pending against the petitioner. Thereafter, the petitioner filed Cr. Misc. No. 41855 of 2022 and in view of bar under Section 362 Cr.P.C., the petitioner was permitted to withdraw the application with liberty to file a fresh bail application before the court below. Thereafter,



the petitioner moved before the court below and vide order dated 06.09.2022, the bail application of the petitioner was rejected by the court below.

Learned counsel appearing on behalf of the petitioner submits that no considerable progress has taken place in conduct of the trial. He submits that altogether 59.625 litres of illicit liquor was recovered from the house of the petitioner. The petitioner was made accused on the basis of disclosure made by co-accused Rohit Kumar. Nothing was recovered from conscious possession of the petitioner. The seizure was not conducted in presence of any of the independent witness though the alleged seizure has been effected in the house of the petitioner. No signature of the family members or any independent witness vitiates the entire seizure in the eye of law. On these grounds, the petitioner who is in custody since 29.03.2021 seeks to be released on bail.

Learned A.P.P. for the State has, however, opposed the prayer for grant of bail to the petitioner.

Considering the fact that this Court vide order dated 03.01.2022 passed in Cr. Misc. No. 38680 of 2021 has released the petitioner on regular bail on furnishing bail bond of Rs. 2,00,000/- (Rupees two lac) with two sureties of the like amount



each to the satisfaction of learned Additional District and Sessions Judge-II cum Special Judge, Excise, Sitamarhi in connection with Dumra P.S. Case No. 346 of 2020 and no substantial progress has taken place in conduct of the trial, the petitioner who has remained in custody since 29.03.2021, is directed to be released on bail on similar terms and conditions as contained in the order dated 03.01.2022 passed in Cr. Misc. No. 38680 of 2021.

Accordingly, the present bail application stands disposed of.

(Purnendu Singh, J)

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