

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71604 of 2021

Arising Out of PS. Case No.-219 Year-2021 Thana- MOKAMAH District- Patna

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ARVIND KUMAR @ ARVIND MAHTO Son of Late Sikandar Mahto
Resident of village - Sisauni, Police Station - Mokama, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Aryan Singh, Advocate.

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

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 18-08-2022 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. Aryan Singh, learned counsel for the petitioner as well as Ms. Suman Kumari Singh, learned Additional Public Prosecutor for the State.

The application for grant of bail to the petitioner, above named, who has been made accused and put behind the bar in connection with Mokama P. S. Case No. 219 of 2021 giving rise to Special Case No. 4908 of 2021 registered for the offences punishable under Sections 30 (a) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

As per the prosecution case, it is alleged that the police, on a secret information that the petitioner kept a huge



quantity of liquor in his house, raided his house and on search, altogether 34.875 litres Indian made foreign liquor was recovered.

Learned counsel appearing on behalf of the petitioner submitted that the alleged recovery has been made from a joint family house, where several persons reside and the petitioner cannot be solely held to be responsible. It is further submitted that only because of past criminal antecedent, his name has been implicated in this case. It is next submitted that there is other infirmities in the preparation of seizure list in as much as the seizure list has been prepared at 03:50 P.M. and the F.I.R. has been instituted at 04:30 P.M., however, the seizure list bears police station case number, which suggests the seizure list has been prepared after institution of F.I.R. It is last submitted that the petitioner is in custody since 09.08.2021.

On the other hand, learned APP for the State opposes the bail application and submits that the alleged recovery has been made from the house of the petitioner. It is also submitted that the petitioner bears antecedent of four other criminal cases of similar nature.

Having considered the submissions made on behalf of the parties and taking into account the period of custody as



well as the infirmities in the seizure list, 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 Special Judge, Excise, Patna in connection with Mokama P. S. Case No. 219 of 2021 giving rise to Special Case No. 4908 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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