

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1417 of 2022

Arising Out of PS. Case No.-224 Year-2021 Thana- KARJA District- Muzaffarpur

Karan Kumar, Son of Vishwanath Mahto @ Behind Mahto, Resident of
Village-Bhatauna, P.S.-Karja, District-Muzaffarpur.

... .. Petitioner

Versus

The State of Bihar.

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Ravi Ranjan, Advocate

For the Opposite Party/s : Mr. Akhileshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 16-06-2022 Learned counsel for the petitioner undertakes to
remove all the defects as pointed out by office within four
weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

Petitioner in the present case is seeking regular bail in
connection with Karja P.S. Case No. 224 of 2021 registered for
the offences punishable under Section 272/273/34 of the Indian
Penal Code and Section 30 (A) of Bihar Prohibition and Excise
Act. He is in custody since 09.11.2021 and has one criminal
antecedent in which he is said to be on bail.

Learned counsel for the petitioner submits that as per
the prosecution story, the informant along with other police
personnel on secret information reached village Narhar Sarai
Mushar Tola where on seeing the policy party, 10-12 men and



women started fleeing away but four of them including this petitioner got apprehended and they also disclosed the name of other escaped accused persons. On search of the thatched house and behind the hut, total 30 liters of illicit liquor was recovered. Thereafter the informant proceeded for raiding other places from where recovery was also made.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. It is submitted that the alleged recovery of illicit liquor is not from the conscious possession of the petitioner. The petitioner has remained in custody since 09.11.2021.

Learned APP for the State is present and has opposed the prayer for regular bail of the petitioner.

Having regard to the submission that the recovery is behind the thatched house and not from the conscious possession of the petitioner, petitioner is in custody since 09.11.2021, he has one criminal antecedent in which he is said to be on bail, investigation against him is complete and his presence may also be secured in course of trial, therefore, this Court directs that the petitioner above named be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the



satisfaction of learned Special judge, Excise, Muzaffarpur in connection with Karja P.S. Case No. 224 of 2021, subject to the condition 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 steps 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'.

