

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62152 of 2023**

Arising Out of PS. Case No.-55 Year-2021 Thana- SAHARGHAT District- Madhubani

Ramu Mahto @ Ramu Prasad Son Of Ram Chandar Mahto Village- Kerwa
Khirohani Tol, Ps- Saharghat, Dist- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ujjwal Kumar, Advocate

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

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

2 26-09-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since 30.07.2023 in connection with Saharghat P.S. Case No. 55 of 2021, F.I.R. dated 01.06.2021 for the offences punishable under Sections 272, 273/34 of the IPC and Section 30(a) of the Bihar Prohibition and Excise Act.

3. According to prosecution case, there has been recovery of 585 liters of illicit wine from the hut. Accordingly, the FIR.

4. Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the present case. He further submits that from perusal of the FIR and seizure list that altogether 585 of of illicit liquor has been



recovered from the hut of the co-accused persons, namely, Dindayal Sharma and the allegation in the FIR that petitioner and other co-accused person have been involved in the business of illicit liquor. He further submits that the allegation as alleged in the FIR is false and fabricated and nothing has been recovered from the conscious possession or the house of the petitioner. The petitioner is in custody since 30.07.2023.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries one criminal antecedent other than the present one.

6. Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge, Ind-cum-Special Judge, Excise Act, Madhubani in connection with Saharghat P.S. Case No. 55 of 2021 , subject to the following conditions:-

i. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient



reason, his bail bond shall be cancelled by the Court below.

ii. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

iii. 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.

(Rajesh Kumar Verma, J)

Prakash Narayan

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