

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28830 of 2024

Arising Out of PS. Case No.-148 Year-2018 Thana- DARBHANGA District- Darbhanga

Sanjay Kumar Mahto, son of Devnarayan Mahto, Resident of Village-
Kushiyari P.S- Chakmehsi, Dist- Samastipur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Manoj Priyadarshi, Advocate

For the Opposite Party/s : Mr. Md. Fahimuddin, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 02-08-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner in the present case is seeking regular bail in connection with Darbhanga Town P.S. Case No. 148 of 2018 registered for the offences punishable under Sections 36 and 37 of the Bihar Prohibition and Excise Act. He is in custody since 18.02.2024 having no criminal antecedent.

3. As per the prosecution story, on 20.07.2018 at around 10:00 am, the informant Sunil Kumar Singh received a secret information that a white coloured Tata Magic Pickup was being used for illegal transportation of country-made liquor (*tari*) near Milan Chowk. On this information, when the informant along with other police officials reached near Milan Chowk main road at around 10:45 am, they intercepted the said vehicle bearing no. BR33GA-4462 and two persons were in the

vehicle, namely, (1) Dhiraj Kumar and (2) Gulu Kumar Mahto. On search of the said vehicle, police recovered altogether 390 liters of illicit liquor.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. It is submitted that the petitioner has no criminal antecedent and he is in custody in connection with this case since 18.02.2024. It is also submitted that the petitioner is the owner of the vehicle and the co-accused Dhiraj Kumar has already been granted bail in Cr. Misc. No. 52608 of 2018 by this Court.

5. Learned APP for the State has opposed the prayer for regular bail of the petitioner.

6. Having regard to the submission that the petitioner is the owner of the vehicle and this Court has already granted bail to the co-accused Dhiraj Kumar in Cr. Misc. No. 52608 of 2018 as also that the petitioner has no criminal antecedent, 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 Excise Court No. 1st, Darbhanga in connection with Darbhanga Town P.S. Case No. 148 of 2018,

subject to the condition as laid down under Section 437 (3) Cr.P.C.

7. 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.

8. This application stands allowed.

(Rajeev Ranjan Prasad, J)

SUSHMA2/-

U		T	
---	--	---	--