IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39824 of 2024

Arising Out of PS. Case No.-69 Year-2024 Thana- NAYAGAON District- Saran

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Deepa Mahto s/o Late Surat Mahto R/o Village-Sobhepur, P.S.-Dighwara, District-Saran

... ... Petitioner/s

Versus

The State of Bihar Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr.Krishna Singh, Adv.
For the Opposite Party/s : Mr.Damodar Prasad Tiwary, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

3 18-09-2024 Heard learned counsel for the petitioner and learned A.P.P for the State.

2. The petitioner has preferred this application for grant of regular bail in connection with Nayagaon P.S. Case No. 69 of 2024 dated 27.04.2024 registered for the offences punishable u/s 30(a) of the Bihar Prohibition and Excise Act.

3. As per the prosecution case, total 170 litres of illicit country made liquor was recovered near the Shobhepur diyara on the south of river ganga.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. The name of the petitioner has transpired in this case merely on suspicion. Nothing has been recovered from the

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conscious possession of the petitioner. The petitioner has no concern with the alleged recovery rather the recovery has been made from an open place which is accessible to anyone. The petitioner has three criminal antecedents as stated in para 3 of the bail petition. The petitioner is in custody since 28.04.2024..

5. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner.

6. Considering the aforesaid facts and circumstances of the case as well as the period of custody, the petitioner above-named, is directed to be enlarged on bail on furnishing bail-bond of Rs.20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Court concerned, Saran at Chapra in connection with Nayagaon P.S. Case No. 69 of 2024 with the condition :-

> *(i) The court below shall verify the criminal antecedent of the petitioner and at any stage, if it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bonds of the petitioner. However, the acceptance of bail bonds in terms of*

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the above-mentioned order shall not be delayed for purpose of or in the name of verification.

7. The application stands allowed.

(Chandra Prakash Singh, J)

Gautam/-

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