

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60199 of 2024

Arising Out of PS. Case No.-130 Year-2024 Thana- BASOPATTI District- Madhubani

Pramod Mahto Son of Shatrudhan Mahto R/O Vill- Bithar (Bituhar), P.S. - Harlakhi, District - Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Jha, Advocate

For the Opposite Party/s : Mr. Manoj Kumar, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 31-08-2024 Heard the learned Advocate for the petitioner and the learned APP for the State.

2. The petitioner seeks regular bail, who is in custody in connection with Basopatti P.S. Case No. 130 of 2024, registered for the offence punishable under Sections 274, 275, 317(5), 3(5) of the Bharatiya Nyaya Sanhita Act and Sections 30 (a) of the Bihar Prohibition & Excise Act.

3. The allegation against the petitioner is of trafficking of illicit wine. The police in course of vehicle checking, intercepted two motorcycles, bearing Registration No. BR32E-4239 wherefrom total 63 liters *nepali* country made liquor was recovered, likewise from the motorcycle bearing Registration No. BR32N-3951, total 90 liters *nepali* country made liquor was recovered.

4. Learned Advocate for the petitioner contended that



the petitioner has no concern with the motorcycles, in question, nor with the illicit wine. However, only on account of a past criminal antecedent of identical nature, his name has been implicated in this case on account of suspicion, as he was found near the place of occurrence, where the motorcycles were intercepted. It is further contended that now the investigation of the crime is complete and he has been in judicial custody since 16.07.2024. Referring to the seizure list, the petitioner shown the infirmities.

5. On the other hand, learned APP for the State vehemently opposes the bail application and submits that the petitioner appears to be a habitual offender, involved in trafficking of illicit wine.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that the investigation of the crime is complete and the charge-sheet has been submitted, coupled with the fact that the petitioner has no concern with the motorcycles, from where the recovery has been made, let the petitioner, named above, 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 Additional Sessions Judge-II-cum-Special Judge Excise Act, Madhubani in connection with Basopatti P.S. Case No. 130



of 2024, subject to the condition that one of the bailors will be the close relatives 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 immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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