

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82406 of 2024

Arising Out of PS. Case No.-38 Year-2019 Thana- JALALPUR District- Saran

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Ranjit Mahto @ Ranjit Kumar Mahto Son of Dharmdeo Mahto Resident of
Village- Enamipur, Police Station -Jalalpur District -Saran at Chapra

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Avinash Kumar Pandey, Adv.

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

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**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 03-12-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has earlier moved before this Court with a prayer for anticipatory bail which was rejected vide order dated 07.05.2019 passed by a Co-ordinate Bench of this Court in Cr. Misc. No. 29799 of 2019.

3. The petitioner seeks bail in connection with Jalalpur P.S. Case No. 38 of 2019 instituted for the offences under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

4. As per prosecution case, the police has recovered 10 litres of country-made liquor beside the house of the petitioner.

5. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence as alleged



against him and has falsely been implicated in the present case merely on the basis of suspicion as also at the disclosures made by the local people. He further submits that nothing incriminating has been recovered from the conscious possession of the petitioner. He further submits that the petitioner has got no concern with the alleged recovery of liquor. There is a non-compliance of Section 100 of the Cr.P.C. which creates a serious doubt in the prosecution case. The petitioner has ten criminal antecedents and, in all of them, he is on bail and is languishing in judicial custody since 07.09.2024 without any rhymes or reason.

6. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

7. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case as also taking into account the period of custody of the petitioner, let the petitioner, abovenamed, be released on bail, *after framing of charge if not already framed*, on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Jalalpur P.S. Case No. 38 of 2019, subject to the following conditions;



(i) One of the bailor(s) shall be the own/close family members of the petitioner.

(ii) The petitioner shall cooperate 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 in the event of failure on two consecutive dates without sufficient reasons, his bail bond shall be liable to be cancelled by the court below.

(Rudra Prakash Mishra, J)

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