

**IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 30238 of 2016**

Arising out of P.S. Case No. -255 Year- 2016 Thana -
SITAMARHI District- SITAMARHI

Manoj Mahto Son of Sri Kodai Mahto Resident of Bhouro
Kothi, Katachowk, P.S & District Sitamarhi.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Hans Lal Kumar, Adv.

For the Opposite Party/s: Sri Arun Kumar Pandey, Adv.

**CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA**

ORAL ORDER

02. 04.08.2016

Heard learned counsel for the Petitioner as well
as learned Additional Public Prosecutor for the State.

The Petitioner seeks bail in a case registered for
the offences under Section 47(A) of Excise Act and 51 of
Bihar Amendment Excise Act, 2016.

Submission on behalf of the petitioner is that the
Informant has himself admitted in self-statement that he
got confidential information regarding selling of the illegal
liquor by Ajay Mahto and it is alleged that petitioner and
aforesaid co-accused Ajay Mahto were apprehended with
a bag in which eleven litres Indian made foreign liquor
kept in separate bottles were recovered and subsequently
on the basis of confessional statement of co-accused, Ajay
Mahto 23 litres Indian made foreign liquor kept in
separate bottles were recovered from a field. Further



submission on behalf of the petitioner is that even if aforesaid story is assumed true, then also, it was co-accused, Ajay Mahto on the basis of whose confessional statement the alleged recovery was made and moreover, the Informant has admitted in his written report that when petitioner and co-accused, Ajay Mahto were arrested, they disclosed that the seized liquor belong to Sahdeo Rai @ Dealer Saheb.

Considering the aforesaid facts and circumstances as well as submissions of the parties and also taking note of the fact that the petitioner does not have criminal antecedents and is languishing in jail custody since 23.04.2016, let the Petitioner, above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Sitamarhi in connection with Sitamarhi P.S. Case No. 255 of 2016.

(Hemant Kumar Srivastava, J.)

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