

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.28781 of 2017

Arising Out of PS.Case No. -48 Year- 2017 Thana -RIVILGANJ District- SARAN

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1. Manohar Mahto Son of Late Tarkeshwar Mahto, Resident of Village-
Chanchaura Hasanpurwa, P.s.- Chapra, Muffasil, District- Saran.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mukesh Kumar Singh

For the Opposite Party/s : Mr. Sri Anil Kumar Singh 1

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 22-08-2017 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner is languishing in judicial custody since
05.03.2017 in connection with Revilganj P.S. Case No. 48 of 2017
for offences punishable under Sections 272 and 273 of the Indian
Penal Code and Section 30 of Bihar Prohibition Excise Act.

The prosecution case, as lodged by the police personnel
is that during raid in Diyara area, the petitioner was found
preparing and selling country made liquor and 400 litres of
country made liquor was recovered and accordingly, a seizure list
was prepared.

It has been submitted by the learned counsel for the
petitioner that he is innocent, bears no criminal history and has



been falsely implicated in this case by the police, as it is not possible to prepare and sell 400 litres country made liquor by a single person and there was no other person in the vicinity. He submits that provision of Section 100 Cr.P.C. has been violated, as there is no signature of the petitioner in the seizure list, although he has been arrested on the spot. He further submits that charge-sheet has already been submitted and there is no chance of tampering with the prosecution witnesses by the petitioner.

However, learned APP for the State opposes the prayer for bail.

Considering the facts and circumstances and the materials on record, let petitioner, above named, be enlarged on bail on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of learned 6th Additional District Judge-cum-Special Judge, Excise, Saran at Chapra in connection with Revilganj P.S. Case No. 48 of 2017.

(Nilu Agrawal, J)

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