

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.25848 of 2017

Arising Out of PS.Case No. -86 Year- 2017 Thana -MANIHARI District- KATIHAR

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Ganpat Mahto, son of Late Kailash Mahto, resident of Village- Naya Tola
(Ward No.-2), P.S.- Manihari, District- Katihar.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pawan Kumar Singh, Advocate

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

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 04-07-2017 Heard learned counsel for the petitioner and the

learned A.P.P. for the State.

Petitioner is languishing in judicial custody since
09.04.2017 in connection with Manihari P.S. Case No. 86 of 2017
registered for the offence punishable under Section 30(a) of the
Bihar Prohibition and Excise Act, 2016.

The prosecution case, as lodged by the police
personnel, is that on a secret tip-off that country made liquor is
being carried by a boat kept in jute bag through river Ganges, they
conducted raid and the petitioner was found fleeing with two bags
on his head and on search 230 pouches each of 200 ML of the
country made liquor were seized. Accordingly, seizure-list was
prepared.



It has been submitted by the learned counsel for the petitioner that he is innocent, bears no criminal history and that there is contradiction in the seizure-list and the First Information Report, as from the seizure-list, it is evident that the illegal country made liquor was recovered from the field of one Bhikhari Mahto, whereas from the First Information Report, it appears that the said liquor was recovered near Manihari Ghat and nothing has been recovered from the conscious possession of the petitioner. It has further been submitted that the petitioner was just a passerby and has been falsely implicated and that charge-sheet has already been submitted, hence, there is no chance of tampering with the prosecution evidence.

However, learned A.P.P. for the State opposes the prayer for bail.

Be that as it may, let the petitioner above named be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-II-cum-Special Judge, Katihar in connection with Manihari P.S. Case No. 86 of 2017.

(Nilu Agrawal, J.)

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