

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.59158 of 2017

Arising Out of PS.Case No. -537 Year- 2017 Thana -GOVERNMENT OFFICIAL COMP. District-
SITAMARHI

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1. Kishan Dev Mahto @ Kishandeo Mahto, Son of Ram Sugarath Mahto,
Resident of Village- Dadanchak, P.S.- Majorganj, District- Sitamarhi.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Jagjit Roshan, Advocate

For the Opposite Party/s : Dr. Rabindra Kumar, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 22-12-2017 Heard the learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks regular bail in connection with
C2/537/2017 instituted for the offence punishable under Section
30 (a) of the Bihar Excise Prohibition Amendment Act, 2016.

The allegation is regarding recovery of 90 liters of
Nepali Saufi wine from the Auto Rickshaw in which three persons
were sitting including the petitioner.

Learned counsel for the petitioner submits that he is
only a driver of the Auto Rickshaw and the other co-accused
persons, who were travelling in the said auto as passengers and
were also apprehended, have been granted bail. It is submitted



that the petitioner can not be held liable for the recovery of illicit wine from the co-accused persons (passengers). It is stated that the petitioner has clean antecedent and he is in custody since 26.09.2017.

Considering the nature of accusation, period of custody undergone and the fact that the petitioner has a clean antecedent, I deem it fit and appropriate to direct the release of the petitioners. Accordingly, the petitioner is directed to be released on regular bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional District Judge- II –cum- Special Judge, Excise Act, Sitamarhi in connection with Case No. C2/537/2017.

(Mohit Kumar Shah, J)

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