

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.26639 of 2018

Arising Out of PS. Case No.-236 Year-2017 Thana- VIJAYPUR District- Gopalganj

Mukesh Mahto S/o Ram Karan Mahto, R/o Vill.- Ekma, Ward No.5 (Near Ekma Bus Stand), P.S.- Ekma, District- Saran at Chapra.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Pandey No-5, Adv.

For the Opposite Party/s : Mr. Suresh Prasad Singh, APP 230

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

2 03-05-2018 Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

The petitioner seeks bail in connection with Bijaipur @ Vijaipur P.S. Case No. 236 of 2017 registered under Sections 272, 273 and 420 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

167.400 liters of foreign liquor is said to have been recovered from the Xylo car and petitioner sitting in the car was apprehended while driver and owner of the vehicle managed to escape seeing the police party.

It is submitted by learned counsel for the petitioner that no incriminating article has been recovered from the conscious possession of the petitioner. He has no concern either



with the seized liquor or vehicle in question. He happens to be simple commuter. He has been falsely implicated in the case at the instance of his enemies. The seizure list does not bear the signature of the petitioner. He has no criminal antecedent. He has been languishing in custody since 14.12.2017. Similarly situated co-accused, namely, Mithilesh Maharaj, has been enlarged on bail by a coordinate Bench of this Court vide order, dated 23.01.2018, passed in Cr. Misc. No. 2628 of 2018.

Considering the facts, aforesaid, the above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs.10,000/- (rupees ten thousand) with two sureties of the like amount each in connection with Bijaipur @ Vijaipur P.S. Case No. 236 of 2017 to the satisfaction of the Additional Sessions Judge II-cum-Special Judge, Gopalganj.

(Prakash Chandra Jaiswal, J)

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