

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.72591 of 2018

Arising Out of PS. Case No.-258 Year-2018 Thana- BAIKUNTHPUR District- Gopalganj

Laxmi Narayan Mahato @ Mahto, S/o Basant Mahato, R/o Village-
Nautanwa, P.S. -Semra, Distt.-West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Lakshmi Kant Sharma, APP

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA

ORAL ORDER

2/ 06-12-2018

Heard learned counsel for the petitioner and learned

APP for the State.

Petitioner seeks bail in **Baikunthpur P.S. Case No.258 of 2018** instituted for the offence under Section(s) 30(a), 41, 32(b) II, 38(I) of Bihar Prohibition and Excise Act, 2016.

Counsel for the petitioner submits that informant is ASI of the Police Station. It is alleged that on the date of occurrence the informant apprehended one Bolero vehicle on which cartons of illicit liquor were loaded. One person was apprehended, who disclosed his name as Kanhaiya Sharma. Another person managed to run away. It is alleged that while the informant was trying to prepare seizure list, one Sudhir Kumar posted at Baikunthpur P.S., arrived and told him that there is order of Officer-in-Charge to release the vehicle. It is further alleged that the informant also received telephonic call of



Officer-in-charge to release the vehicle.

Counsel for the petitioner submits that when the informant apprehended action against him for releasing the vehicle loaded with liquor, he has lodged the case levelling false allegation against the petitioner after delay of three days. Occurrence is said to have taken place on 01.10.2018 and First Information Report has been lodged on 03.10.2018. Petitioner is the Officer-in-charge of the P.S. He was not present at the spot as per written report itself. His name has been taken by the informant that he received telephone call from him to release the vehicle.

Petitioner is in custody since 03.10.2018.

In the facts and circumstances of the case, prayer of the petitioner for grant of bail is allowed. 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 the **Special Judge, Excise, Gopalganj**, in connection with **Baikunthpur P.S. Case No.258 of 2018**, subject to the condition that both the bailors shall be close relative of the petitioner.

(Sanjay Priya, J)

J. Alam/-

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