

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.52903 of 2018

Arising Out of PS.Case No. -176 Year- 2018 Thana -WARISNAGAR District- SAMASTIPUR

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Manoj Kumar @ Manoj Kumar Mahto, S/o. Late Ram Sunder Mahto, R/o.
Village- Paroriya Ward No. 10, P.S.- Warisnagar, District- Samastipur.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dilip Kumar Roy

For the Opposite Party/s : Mr. Mukeshwar Dayal

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CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA
JAISWAL
ORAL ORDER

2 28-08-2018 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner seeks bail in a case registered for the
offence punishable under Sections 273 and 290 of the Indian Penal
Code and Sections 30(a), 37(b) (d), 38 and 41 of the Bihar
Prohibition and Excise Act, 2016.

On the disclosure of the petitioner 120 litres of
foreign liquor is said to have been recovered from his hut and he
was apprehended in inebriated condition.

It is submitted by learned counsel for the petitioner
that no incriminating article has been recovered from the
conscious physical possession of the petitioner. He has no concern
either with the seized liquor or with the said hut in question. He
had not made any disclosure. Nothing has been recorded on the



basis of disclosure of the petitioner. He happens to be teetotaler and never consumed liquor. He has been falsely implicated in the case at the instance of his enemy and due to dirty village politics. There is violation of Section 100 Cr.P.C. He has no criminal antecedent. He has been languishing in custody since 10.07.2018.

Considering the facts aforesaid, the above named petitioner is directed to 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 the learned Additional Sessions Judge-VI cum Special Judge, Excise Act, Samastipur in connection with Warisnagar P.S. Case No. 176 of 2018.

(Prakash Chandra Jaiswal, J)

Kr. Uday/-

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