

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.24651 of 2018

Arising Out of PS. Case No.-70 Year-2018 Thana- Rosera District- Samastipur

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Kailash Mahto, S/o Late Ram Prakash Mahto, Resident of Village- Vibhutipur
(Salkhanni), P.S.- Vibhutipur, Ward No.12, District- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mritunjay Kumar
For the Opposite Party/s : Mr. Ataur Rahman

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

3. 08-05-2018 Heard Sri Mritunjay Kumar, learned counsel for the
petitioner and learned Addl. Public Prosecutor.

The sole petitioner, who is in custody since
03-03-2018 in Rosera P.S. Case No. 70 of 2018 registered for
offence under Sections 30(a), 30(3) and 38(1) of Bihar
Prohibition and Excise Act, 2016, has prayed for grant of bail.

By way of referring to statement made in paragraph –
3 of the petition, learned counsel for the petitioner submits that
long back in the year 2005, he was made accused in a case
relating to Arms Act, 1959, however; the petitioner was never
involved in any case relating to Excise Act. He further submits
that a raid was shown to be conducted in the house of one Sri
Ram Sahni and from there, huge quantity of Indian make
foreign liquor was shown to be recovered and petitioner



alongwith seven others, who were shown to be present in the premises, were arrested. He submits that after the police party had arrived, as expectator the petitioner had visited there and falsely he was implicated in the present case.

Be that as it may, considering the nature of accusation and fact that recovery was effected from the premises of one of the co-accused Sri Ram Sahni, who was not arrested at the place of occurrence as well as period of custody, let the petitioner namely Kailash Mahto 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 learned Addl. Sessions Judge 3rd cum Special Judge, Excise Act, Samastipur in connection with Rosera P.S. Case No. 70 of 2018.

(Rakesh Kumar, J.)

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