

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.25367 of 2018

Arising Out of PS.Case No. -43 Year- 2018 Thana -WARISNAGAR District- SAMASTIPUR

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Kundan Mahto S/o Late Vimal Mahto, R/o Vill.- Akbarpur Bandh, P.S.-
Warishnagar (Mathurapur O.P.), District- Samastipur.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Kumar Praveen

For the Opposite Party/s : Mr. Sri Satyadev Prasad Singh Yadav

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**CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA
JAISWAL**

ORAL ORDER

2 02-05-2018 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 Section 273 of the Indian Penal Code
and Sections 30(a), 38 and 41 of the Bihar Prohibition and Excise
Act, 2016.

19.44 litres of foreign liquor is said to have been
recovered from the heap of straw located behind the house of the
petitioner.

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 place of recovery. Place of



recovery is open place. He has been falsely implicated in the case at the instance of his enemies. Though one more case under Excise Act has been lodged against the petitioner, but he is on bail in the aforesaid case. He has been languishing in custody since 02.03.2018.

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 3rd Addl. Sessions Judge cum Special Judge, Excise Act, Samastipur in connection with Warisnagar (Mathurapur) P.S. Case No. 43 of 2018.

(Prakash Chandra Jaiswal, J)

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