

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.58009 of 2018

Arising Out of PS. Case No.-174 Year-2018 Thana- KATRA District- Muzaffarpur

Jawahar Mahto son of Mushar Mahto resident of village - Darhol, P.S. -
Katra, District Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Alok Kumar Alok

For the Opposite Party/s : Mr. Humayou Ahmad Khan

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 03-10-2018 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner is languishing in judicial custody since
09.08.2018 in connection with Katra P.S. Case No. 174/2018 for
offences punishable under Sections 272 and 273 of the IPC and
Section 30(A), 36 & 38 of the Bihar Prohibition and Excise Act.

The prosecution case, as lodged by the police
personnel, is that on information that a tank lorry containing
illicit liquor is stuck up in the mud, the police reached there and
found 1278 litres of foreign liquor in various cartons.
Accordingly, a seizure list was prepared.

It has been submitted by the learned counsel for the
petitioner that he is innocent, bears no criminal history and the
illicit liquor was not seized from his conscious possession but
from the tank lorry. He submits that just because he had stated



before the police that this lorry was to be unloaded in his house, he has been made accused and confessional statement of the petitioner before the police has no evidentiary value in the eye of law. He further submits that seizure list does not bear his signature, which is in violation of Section 100 of the Cr.P.C. and charge-sheet has already been submitted.

However, learned APP for the State opposes the prayer for bail.

Considering the facts and circumstances and the materials on record, let petitioner, above named, 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 Special Judge, Excise, Muzaffarpur in connection with Katra P.S. Case No. 174/2018, subject to the condition that one of the bailors would be a close relative of the petitioner having sufficient immovable property, who will file an affidavit stating his relationship with the petitioner.

(Nilu Agrawal, J)

Rajesh/Pragya

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