

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18686 of 2019**

Arising Out of PS. Case No.-2 Year-2019 Thana- SIMRI District- Darbhanga

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Dilip Mahto, son of Arjun Mahto, Resident of Village - Khanpur, P.s.-
Khanpur, Distt.- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Bijay Bhushan Prasad

For the Opposite Party/s : Mr.Ajay Kumar

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER**

2 01-04-2019 Heard learned counsel for the petitioner and learned counsel
appearing on behalf of the State.

The petitioner is languishing in custody since 21.01.2019 in connection with G.O. Excise Case No.50 of 2019 arising out of Simri P.S. Case No.02 of 2019 registered for the offences punishable under Sections 272, 273 of the Indian Penal Code and Section 30(a), 38, 41 of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, as per the written report of Mukesh Kumar, Officer in-charge, Bishanpur P.S. is to the effect that on the basis of secret information, a raid team was constituted and one Scorpio was intercepted and five co-accused persons were apprehended and 87.840 litres of liquor were recovered and on their disclosure, one truck was intercepted and from the truck, 1700.64 litres of liquor were recovered and the driver of the truck was apprehended. The apprehended co-accused Mukesh Kumar suggested that the said liquor is being supplied by the co-accused Pradeep Mahto and the petitioner, Dilip Mahto.



It is submitted by learned counsel for the petitioner that the recovery has not been made from the conscious physical possession of the petitioner and the petitioner has been made accused in the present case only on the basis of confession of the apprehended co-accused Mukesh Kumar. It is further submitted that the petitioner is not having criminal antecedent, statement to that effect is made in paragraph no.3 of the bail application.

Learned A.P.P. for the State has vehemently opposed the prayer for bail and submits that the name of the petitioner sprang up on the basis of confessional statement of apprehended co-accused person, Mukesh Kumar.

Considering the fact that there is no recovery from the conscious physical possession of the petitioner and the statement being made in the paragraph 3 of the petition that the petitioner is not having any criminal antecedent, let the above named petitioner 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 A.D.J., Vth-cum-Special Judge (Excise), Darbhanga in connection with G.O. Excise Case No.50 of 2019 arising out of Simri P.S. Case No.02 of 2019.

(Dinesh Kumar Singh, J)

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