

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33564 of 2019

Arising Out of PS. Case No.-18 Year-2019 Thana- DUMARIAGHAT District- East
Champaran

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Suresh Mahto S/o Satan Mahto R/o village- Puraina, P.S.- Dumariyaghat,
District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Umesh Chandra Verma
For the Opposite Party/s : Mr. Humayou Ahmad Khan

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

ORAL ORDER

3 08-08-2019 Heard learned counsel for the petitioner and
learned APP for the State.

Petitioner apprehends his arrest in connection with
Dumariyaghat P.S. Case No. 18 of 2019 registered for the
offence punishable under Sections 272, 273/34 of the Indian
Penal Code and Section 30(a) of the Bihar Prohibition and
Excise Act.

30 lts. of country made liquor is said to have been
recovered from the gunny bag kept on the motorcycle standing
on the door of the petitioner and one co-accused Pramod Rai
was apprehended while three accused persons managed to
escape. Apprehended accused disclosed the name of the
petitioner as one of his fleeing accomplices in the occurrence.



Informant also recovered 44.7 lts. country made liquor from the heap of straw located beside the house of the petitioner.

It is submitted by learned counsel for the petitioner that no incriminating article has been recovered from conscious physical possession of the petitioner. He has no concern either with the seized liquor or with the place of recovery or with the motorcycle in question or with any trade of liquor. He has been falsely implicated in this case by the apprehended co-accused Pramod Rai due to animosity. There is nothing on record indicating the complicity of the petitioner in the occurrence barring the aforesaid disclosure made by the said apprehended co-accused, hence, no offence under Excise Act is made out against the petitioner. There is violation of Section 100 Cr.P.C. Petitioner has no criminal antecedent.

On the other hand, learned APP opposed the bail prayer of the petitioner.

In the facts and circumstances of the case, let the above named petitioner be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned 7th Addl. Sessions Judge cum



Special Judge, Excise, Motihari, East Champaran in connection
with Dumariyaghat P.S. Case No. 18 of 2019, subject to the
condition as laid down under Section 438 (2) of the Cr.P.C.

(Prakash Chandra Jaiswal, J)

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