

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57087 of 2019

Arising Out of PS. Case No.-71 Year-2018 Thana- PHULPARAS District- Madhubani

KAMLESH MAHTO, Male, aged about 36 years, Son of Ram Lakhan Mahato, Resident of Village- Sangram Ward No. 6, P.S.- Arariya Sangram (O.P.), District- Madhubani.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr.Sanjay Kumar Jha, Advocate.

For the Opposite Party : Mr.Humayou Ahmad Khan, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 14-10-2019 Heard learned counsel for the petitioner and learned counsel for the State.

The petitioner seeks bail in a case for the offence registered under Sections 272, 273/34 of the IPC, 30(a)(d), 32(2), 36 and 38(i) of the Bihar Prohibition and Excise Act, 2016.

The prosecution story, in brief, is that total 2797.460 liters wine is said to have been recovered.

It has been submitted by learned counsel for the petitioner that the petitioner is languishing in custody since 18.07.2019. Charge sheet/prosecution report has been submitted in the present case. The petitioner is not named in the F.I.R. The name of the petitioner has come in the present case on



disclosure made by co-accused. The petitioner has falsely been implicated in the present case. There is no allegation of tampering with the witnesses alleged against the petitioner. It is alleged that total 2797.460 liters wine is recovered from the Truck in question. The Truck in question does not belong to the petitioner. There is no compliance of Section 100 Cr. P.C.

On behalf of the State, it is submitted that the petitioner is not named in the F.I.R/ Complaint Case.

Considering the aforesaid facts and circumstances, let the petitioner above named, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-II-cum-Special Judge, Excise Act, Madhubani, in connection with Phulparas P.S. Case No. 71/18, vide G.R.No. 576/2018.

(Sudhir Singh, J)

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