

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.70762 of 2019

Arising Out of PS. Case No.-218 Year-2019 Thana- PANDAUL District- Madhubani
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Munesh Mahto @ Munesh Kumar Mahto, aged about 50 years (Male) Son
of Late Mohit Mahto Resident of Village-Pandaul, West Noniya Tol, P.S.-
Pandaul, District-Madhubani.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr. Gagan Deo Yadav, Advocate
For the State : Mrs. Sharda Kumari, APP

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 27-11-2019 Heard Mr. Gagan Deo Yadav, learned Advocate for

the petitioner and Mrs. Sharda Kumari, learned APP for the

State.

The petitioner seeks bail in anticipation of his

arrest in connection with Pandaul P.S. Case No. 218 of 2019

which has been instituted for the offences under Sections

272 and 273/34 of the Indian Penal Code and Section 30(a)

of the Bihar Prohibition and Excise Act, 2016.

On secret information by the police that liquor was



being sold by two persons, a raid was conducted in the house of the petitioner. Before the police party could enter the house of the petitioner, one person was spotted running out with a jerkin in his hand. Seeing the police party, he threw the jerkin and fled away. The local villagers identified him to be the petitioner. The container thrown by the petitioner contained 5 litres of locally brewed liquor. Another consignment of liquor weighing 8.100 litres was found but with respect to that recovery, someone else has been made accused.

Learned Advocate for the petitioner submits that he has clean antecedents and nothing has been recovered from his possession. It has further been submitted that the offence under the Excise Act, as alleged against the petitioner, cannot be said to have been made out.

Considering this aspect of the matter, the petitioner, above-named, is directed to be released on bail, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, on his furnishing bail



bonds in the sum of Rs. 10,000/- (Ten Thousand) with two sureties of like amount each to the satisfaction of learned Additional Sessions Judge-II-cum-Special Judge Excise Act, Madhubani in connection with Pandaul P.S. Case No. 218 of 2019, subject to the conditions as laid down under Section 438 (2) of the Code of Criminal Procedure.

(Ashutosh Kumar, J)

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