

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70587 of 2019

Arising Out of PS. Case No.-239 Year-2019 Thana- BAHADURPUR District- Patna

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SURAJ MAHTO Son of Diwali Mahto Resident of Mohalla - Nand Nagar
Colony, P.S.- Bahadurpur and District- Patna.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manish Kumar No2

For the Opposite Party/s : Mr. Kalyan Shankar

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

ORAL ORDER

2 04-12-2019 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner seeks bail in a case registered for the
offence punishable under Sections 272 & 273 of the Indian
Penal Code and Section 30 (a) of the Bihar Prohibition and
Excise Act, 2016.

300 liters of country made liquor is said to have been
recovered from near Kali temple located on the canal road in the
Nand Nagar Colony, allegedly kept there by six named accused
persons including the petitioner who managed to escape seeing
the police party.

It is submitted by learned counsel for the petitioner that
no incriminating article has been recovered from the conscious
physical possession of the petitioner. He has no concern either



with the seized liquor or the place of recovery or any trade of liquor. The place of recovery is an open place and easily accessible to anyone. The identity and genuineness of the sources of information has not been mentioned in the written report. Earlier to the case under hand, no case under the Excise Act has been lodged against the petitioner. Petitioner has been languishing in custody since 26.08.2019.

Learned APP for the State opposed the bail petition.

In the facts and circumstances of the case, the above named petitioner is directed to 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 the learned Special Judge Excise Act, Patna in connection with Special Case No.7663 of 2019 arising out of Bahadurpur P.S. Case No. 239 of 2019.

(Prakash Chandra Jaiswal, J)

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