

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68659 of 2019

Arising Out of PS. Case No.-126 Year-2019 Thana- MADHEPUR District- Madhubani

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Dilip Kumar Mahto, S/o Shyam Sundra Mahto, R/o village- Nawada, P.S.-
Madhepur, District- Madhubani.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manish Kumar No. 13, Adv.

For the Opposite Party/s : Mr. Suresh Prasad Singh, APP

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

2 27-11-2019 The petitioner seeks bail in anticipation of his

arrest in connection with Madhepur P.S. Case No. 126 of

2019, dated 21.08.2019, instituted for the offences under

Sections 272 and 273 of the Indian Penal Code and Section

30(a) of the Bihar Prohibition and Excise (Amendment) Act,

2018.

It is alleged that when on secret information that

the petitioner is selling liquor in an unauthorized manner, a



raid was conducted in his house and on seeing the police party, he threw away a gunny bag containing 1.680 mls. of liquor.

The learned counsel for the petitioner has submitted that the aforesaid accusation is absolutely false. Had the petitioner been selling liquor from his house, there would have been some recovery. Whatever has been recovered is from an open space which is accessible to any person.

The petitioner does not have criminal antecedents.

These facts coalesce into a belief that the offence under the Bihar Prohibition and Excise Act is not made out.

Considering these aspects of the matter, the petitioner, in the event of his arrest or surrender before the learned Court below within a period of four weeks, is directed to be released on bail on his furnishing bail bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Addl. Sessions Judge-II-Cum-Special Judge, Excise Act, Madhubani, in connection with Madhepur P.S. Case No.



126 of 2019, subject to the conditions laid down under
Section 438(2) of the Cr.P.C.

(Ashutosh Kumar, J)

Praveen-II/-

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