

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75289 of 2019

Arising Out of PS. Case No.-658 Year-2019 Thana- KHAJANCHI HAT District- Purnia

Amit Kumar Mahto, son of Guneshwar Mahto, resident of village- Bhoga
Kariyat Belwa Kamat, P.S.- Sadar Muffasil, District- Purnea

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ram Prawesh Kumar, Advocate

For the Opposite Party/s : Mr. Md. Arif, APP

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 26-11-2019

Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with K. Hat
(Sahayak) P.S. Case No.658 of 2019 dated 06.09.2019 instituted
under Sections 272, 273, 420 of the Indian Penal Code and
30(a) of the Bihar Prohibition and Excise (Amendment) Act,
2016.

3. The allegation against the petitioner is that he is
involved in trade of illicit liquor.

4. Learned counsel for the petitioner submitted that he
was not caught at the spot and only in the confessional
statement of the person, who was caught with 1615.56 litres of
foreign liquor, he has been made accused. It was further
submitted that he is in custody since 21.09.2019. Learned
counsel for the petitioner submitted that similarly situated co-



accused, Mukesh Sah and Ramu Kumar have been granted bail by order dated 04.11.2019 passed in Cr. Misc. No.65312 of 2019 and Azad Kumar has been granted bail by order dated 05.11.2019 passed in Cr. Misc. No.65409 of 2019.

5. Learned APP submitted that the petitioner has criminal antecedent as he was accused in an excise case in the year 2017. It was submitted that the petitioner deals in liquor and 63 litres wine from the vehicle besides 1615.56 litres foreign liquor have been recovered from the house of the co-accused. It was submitted that there is no reason for the person arrested to have implicated the petitioner and, at this stage, it cannot be said that the petitioner is innocent. Further, it was submitted that the petitioner has past criminal antecedent under the Excise Act, which indicates that he is in the business of illicit liquor.

6. Having regard to the facts and circumstances of the case and submissions of learned counsel for the parties, the Court is not inclined to enlarge the petitioner on bail.

7. Accordingly, the application stands dismissed.

(Ahsanuddin Amanullah, J)

J. Alam/-

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