

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.32637 of 2021**

Arising Out of PS. Case No.-571 Year-2020 Thana- CHAPRA TOWN District- Saran

BHIM MAHTO S/O Satrudhan Mahto R/O Mohalla Rupganj, Adda No. 2,  
P.S. Chapra Town, District - Saran.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Santosh Kumar

For the Opposite Party/s : Mr. Sanjay Kumar Pandey

**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA**  
**ORAL ORDER**

2      20-12-2021                      Heard learned Counsel for the petitioner and learned  
Additional Public Prosecutor for the State.

The petitioner seeks regular bail in connection with  
Chapra Town Police Station Case No. 571 of 2020, registered  
for the offences punishable under Sections 30(a)/41(i) (ii) of the  
Bihar Prohibition and Excise Act, 2016.

The allegation, as per the First Information Report, is  
that the police recovered a total quantity of 102 litres of illicit  
liquor kept near the back door of the house of the petitioner.

Learned Counsel for the petitioner submits that the  
petitioner has falsely been implicated in this case and he has not  
committed any offence in the manner alleged. He further  
submits that the illicit liquor has not been recovered from the  
conscious possession of the petitioner or from the premises



belonging to him; rather, the illicit liquor has been recovered from near the back door of the house of the petitioner, which is an open space and is accessible to all and sundry. He further submits that similarly situated co-accused persons, namely, Shyam Babu Mahto (by order, dated 22.11.2021, passed in Criminal Misc. No. 27725 of 2021) and Kariman Mahto (by order, dated 06.12.2021, passed in Criminal Misc. No. 27788 of 2021) have been granted bail by co-ordinate benches of this Court. He next submits that the petitioner is in custody since 30.01.2021 and charge sheet has been submitted against the petitioner and as such, there is no likelihood that the petitioner will abscond and/or tamper with the evidence.

Regards being had to the submissions advanced on behalf of the parties concerned and taking into consideration the materials available on record and the fact that similarly situated co-accused persons have been granted bail by this Court, charge sheet has already been submitted and the petitioner is in custody since 30.01.2021, I am inclined to grant regular bail to the petitioner.

This application is, accordingly, allowed.

Let the petitioner, Bhim Mahto, be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two



sureties of the like amount each to the satisfaction of learned 2<sup>nd</sup>  
Additional Sessions Judge -cum- Special Judge, Excise, Saran,  
at Chapra, in connection with Chapra Town Police Station Case  
No. 571 of 2020.

**(Anil Kumar Sinha, J.)**

Prabhakar Anand/-

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